ORDINANCE 2006-A332

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING BY REFERENCE THE TOWN OF CAMP VERDE TOWN CODE. A RE-CODIFICATION OF SELECTED PRIOR ORDINANCES OF THE TOWN, AND PROSCRIBING PENALITES FOR VIOLATIONS THEREOF.

Section 1. Adoption by Reference. Pursuant to A.R.S. Section 9-802 (as amended) the Town hereby adopts for application and enforcement the T**own of Camp Verde Town Code**, dated August 2, 2006, a compilation of selected previously-adopted and modified ordinances that are declared a public record pursuant to Resolution 2006-695 and attached thereto.

Section 2. Effective Date. The effective date of the **Town of Camp Verde Town Code,** dated August 2, 2006, shall be September 1, 2006, or upon completion of publication and posting as a penal ordinance as provided by law, whichever date is later.

Section 3. Repeal. The **Town of Camp Verde Town Code** generally excludes ordinances concerning zoning, taxation, or adoption of intergovernmental agreements.

Section 4. Copies of the Town Code. At least three (3) copies of the **Town of Camp Verde Town Code,** dated August 2, 2006, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk for public access. Additional copies may be purchased by the public at nominal cost for materials and reproduction. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 5. Penalty. Pursuant to A.R.S. Section 9-240.B.29 and A.R.S. Section 13-602, it is hereby declared that any violation of the **Town of Camp Verde Town Code,** dated August 2, 2006, and revisions adopted thereto is a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the **Code.** For purposes of A.R.S. Section 9-803, the provisions of the Town of Camp Verde Town Code concerning penalty clauses are set forth on Exhibit A to this Ordinance.

*PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on the **2nd day of August, 2006**, to be effective when publication and posting, pursuant to A.R.S. Section 9-813, is completed.*

Approved: Tony Gioia 8/3/06 Date: 8/4/06
Tony Gioia, Mayor

Attest: Deborah Barber
Deborah Barber, Town Clerk

Approved as to form:

Town Attorney

TOWN OF CAMP VERDE
TOWN CODE

CHAPTER 1

GENERAL

Article 1-1

HOW CODE DESIGNATED AND CITED

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Camp Verde, Arizona," and may be so cited. Such code may also be cited as the "Camp Verde Town Code."

Article 1-2

CONSTRUCTION OF ORDINANCES

The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the Town unless such construction would be inconsistent with either the manifest intent of the Council, the context of this code or the ordinances of the Town.

Article 1-3

DEFINITIONS

Section 1-3-1 General Rule Regarding Definitions

All words and phrases shall be construed and understood according to the common and approved use of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1-3-2 Definitions

A. Acts by Agents. When an act is required to be done which may by law be done by an agent as the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

B. And, Or. "And" may be read "or," and "or" may be read "and," if the sense requires it.

C. Code. When the word "code" is used, it shall mean the Town Code of the Town of Camp Verde, Arizona unless the context indicates otherwise.

D. Council. When the word "Council" is used, it shall mean the Town Council of the Town of Camp Verde.

E. County. When the word "county" is used, it shall mean Yavapai County, Arizona unless the context clearly requires otherwise.

F. Day. "Day" is the period of time between any midnight and the midnight following.

G. Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

H. Department, Board, Commission, Office, Officer or Employee. Whenever any "department, board, commission, office, officer or employee" is referred to, it shall mean a department, board, commission, office, officer or employee of the Town unless the context requires otherwise.

I. Gender; Singular and Plural. Words of the masculine gender include the feminine; words in the singular include the plural and words in the plural include the singular.

J. Joint Authority. All words purporting to give a joint authority to three or more Town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

K. Month. "Month" means a calendar month.

L. Oath. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

M. Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of part of such building or land.

N. Person. The word "person" includes a corporation, company, partnership, association or society as well as a natural person.

O. Personal Property. The term "personal property" includes every species of property, except real property as defined in this section.

P. Preceding, Following. The words "preceding" and "following" mean next before and next after, respectively.

Q. Property. The term "property" includes lands, tenements and hereditament and personal property.

R. Real Property. The term "real property" includes lands, tenements and hereditament.

S. Shall, May. "Shall" is mandatory and "may" is permissive.

T. Signature or Subscription by Mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be

acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

U. State. Whenever "state" is referenced, it shall mean the State of Arizona unless the context clearly requires otherwise.

V. Tenant or Occupant. The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or an oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

W. Tenses. The present tense includes the past and future tenses, and the future includes the present.

X. Time: Computation. The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

Y. Time: Reasonable. In all cases where any section of this code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

Z. Town. When the word "Town" is used, it shall mean the Town of Camp Verde, Yavapai County, Arizona, except as otherwise provided. The words "in the Town" or "within the Town" shall mean and include all territory over which the Town has jurisdiction for the exercise of its police powers or other regulatory powers as authorized by statute.

AA. Week. A week consists of seven consecutive days.

BB. Writing. The term "writing" means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless expressly provided otherwise.

CC. Year. "Year" means a calendar year unless otherwise provided.

Article 1-4

REFERENCE TO CHAPTERS, ARTICLES, OR SECTIONS:

CONFLICTING PROVISIONS

Section 1-4-1 Additional Rules of Construction

In addition to the rules of construction specified in Articles 1-2 and 1-3, the rules set forth in this article shall be observed in the construction of this code.

Section 1-4-2 References to this Code

All references to chapters, articles, or sections are to the chapters, articles, and sections of this code unless otherwise specified.

Section 1-4-3 Conflicting Provisions--Different Chapters

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1-4-4 Conflicting Provisions--Same Chapter

If conflicting provisions are found in different sections of the same chapter, the provisions of the section that is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

Article 1-5

SECTION HEADINGS

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and do not constitute part of the law.

Article 1-6

EFFECT OF REPEAL

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Article 1-7

SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable, and, if any provision of this code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the code.

Article 1-8

PENALTY

A. Any person found guilty of violating any provisions of this code, except as otherwise provided, shall be guilty of a Class 2 misdemeanor, and upon conviction thereof shall be punished as provided by law.

B. Each day that a violation continues shall be a separate offense punishable as herein described.

Article 1-9

REPEAL OF EXISTING ORDINANCES

Section 1-9-1 Effective Date of Repeal

All ordinances of the Town listed in the adopting resolution except those specially exempted, now in force and effect are hereby repealed effective at twelve o'clock noon on November 1, 1996 but all rights, duties, and obligations created by said ordinances shall continue and exist in all respects as if this code had not been adopted and enacted.

Section 1-9-2 Ordinances Exempt from Repeal

The adoption and enactment of this code shall not be construed to repeal or in any way to modify or affect:

A. Any special ordinance or ordinances regarding franchises, annexations, dedications, road abandonment's, or zoning.

B. Any ordinance making an appropriation.

C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

D. The running of the statute of limitations in force at the time this code becomes effective.

E. The continued existence and operation of any department, agency, commission or office heretofore legally established or held.

F. Any bond of any public officer.

G. Any taxes, fees, assessments or other charges incurred or imposed.

H. Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.

Article 1-10

EFFECTIVE DATE OF CODE

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on September 5, 2006, except that where a later effective date is provided it shall prevail.

CHAPTER 2

MAYOR AND COUNCIL

Article 2-1

COUNCIL

Section 2-1-1 Elected Officers

A. The elected officers of the Town shall be a Mayor and six Council members. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.

B. The term of office of the Mayor shall be two years.

C. Council members shall serve four-year staggered terms as provided by ARS § 9-232.02, as may be amended, with three (3) members in each class.

Section 2-1-2 Corporate Powers

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion.

Section 2-1-3 Assumption of Office

Members of the Council shall assume the duties of office at the first meeting in June following the date of the general election at which the Council members were elected, or at any special meeting called to conduct business after the general election by the former Council. If a Council candidate, including Mayor, receives a majority of all votes cast at a primary election, then pursuant to ARS § 9-821.01, as may be amended, such candidate shall be declared elected to the office, but effective as of the date of the general election, to be seated as set forth herein.

Section 2-1-4 Vacancies in Council

The Council shall fill by appointment for the unexpired term any vacancy on the Council, including Mayor that may occur for any reason, within 60 days of the vacancy, unless a primary or general election for Council is set within 120 days. The vacancy shall not reduce any Council quorum requirements.

Section 2-1-5 Oath of Office

Immediately before assumption of the duties of office, the Mayor and each Council member shall, in public, take and subscribe to the oath of office.

Article 2-2

MAYOR

Section 2-2-1 Direct Election of Mayor

A. The Mayor shall be directly elected by the people pursuant to ARS § 9-821.01. If a candidate receives a majority of all votes cast at a primary election, he or she shall be declared Mayor effective as of the date of the general election, and no general election shall be held for that position.

B. The term of the Mayor shall be for two years. In every election one of the declared vacancies on the Council shall be reserved for the election of the Mayor.

C. A candidate may not run for both Mayor and Council member at the same election, A seated Council member whose term is not expiring may not run for the office of Mayor. A Mayor whose term is expiring is permitted to run for the office of Mayor or Council member.

Section 2-2-2 Vice Mayor

The Council shall select, at the first meeting in June following the date of the general election at which the Council members were elected, a Vice Mayor, who shall serve for a one-year term at the pleasure of the Council. The Vice Mayor shall assume the duties of the Mayor in the absence, disqualification, or resignation of the Mayor.

Section 2-2-3 Acting Mayor

In the absence or disability of both the Mayor and Vice Mayor, the mayor will designate one of the current Council members to serve as acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during such absence or disability. In the event, the Town Council objects to any such designation, the Council may vote in a public meeting called pursuant to the provisions of this code, to override the mayor's designation and select an alternative person to serve as Acting Mayor.

Section 2-2-4 Powers and Duties of the Mayor

The powers and duties of the Mayor shall include the following:

A. The Mayor shall be the chief executive officer of the Town except as to the administrative duties delegated by Section 3-2-1 to the Manager, or other department heads, and in accordance with the procedures set forth in the code and applicable portions of any personnel manual adopted by the Town.

B. The Mayor shall be the chairperson of the Council and preside over its meetings and its agenda. The Mayor may make and second motions and shall have a voice and vote in all its proceedings.

C. The Mayor shall execute and authenticate by his signature such instruments as the Council or any statutes, ordinances, or this code shall require.

D. The Mayor and members of the Council may make such recommendations and suggestions to the Council as they may consider proper.

E. The Mayor may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the Town. After declaration of such emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the Town, including but not limited to:

1. Imposition of a curfew in all or any portion of the Town.

2. Ordering the closing of any business.

3. Closing to public access any public building, street, or other public place.

4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

F. The Mayor shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the Town.

Section 2-2-5 Absence of Mayor

The Mayor shall not absent himself from the Town for a greater period than fifteen consecutive days without the consent of the Council.

Section 2-2-6 Failure to Sign Documents

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor or, in his absence, an acting Mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

Article 2-3

COUNCIL PROCEDURES

Section 2-3-1 Regular Meetings

Regular Council Meetings. The Town Council will hold regular meetings at 6:30 p.m. on the first and third Wednesday of the month at the Town Hall complex on Main Street for general business and public hearings as may be required by law, with the fourth Wednesday set aside for Planning & Zoning matters, and the second Wednesday set aside for work sessions as needed. A work session, in lieu of or in conjunction with a regular meeting, may be called. If a regular meeting or work session is cancelled, such as near a holiday, notice of the cancellation shall be posted.

Section 2-3-1.1 Times and Places of Special Meetings

A. The Mayor, after public vote of the Council to schedule a special session within the jurisdiction of the Town, shall direct staff to schedule a special session of the Council, or the Mayor and Manager may jointly schedule a special session to be held in appropriate facilities within Town limits, to begin at a time and place designated in the motion.

B. Notices and agendas will be posted for the special sessions as required by law, and additionally posted at the alternate site.

C. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on **controversial topics** likely to interest citizens of the Town in general rather than a particular neighborhood.

Section 2-3-2 Special Meetings

Special and emergency meetings, as permitted by law, shall be called and posted in the same manner as regular meetings by the Mayor or the Town clerk, after confirmation of the availability of a quorum.

Section 2-3-3 Posting of Notices

A. Notice of Council meetings and agendas shall be posted at Town Hall, the United States Post Office, Bashas' store at Outpost Mall, and on the Town's website. Other public notices, such as public meetings of Commissions, committees, or boards, bidding, holidays, auctions, and zoning matters, will be posted at Town Hall only, but may also be posted on the Town's website. Locations for posting may be changed by Council resolution.

B. All notices shall contain a statement of posting signed by the Town clerk or a designated representative showing the date and time of posting.

C. **Posting of Alternate Meeting Locations.** In addition to the locations and content specified by 2-3-3 (Posting of Legal Notices), the Town Manager or Mayor may request that a meeting with an agenda item or public hearing which may attract a large audience, or need special presentation facilities, be scheduled for

the gymnasium, school auditorium, or alternate site suitable for public participation. If the Council votes to change the location for that meeting, notice of the location change shall be posted in the normal locations, plus at the site, and the meeting may be called to order at the site without first being called to order at the Town Hall Council Chamber. This does not preclude the Council from relocating a meeting that is in progress to accommodate a crowd that exceeds maximum occupancy limits as established for Council Chambers.

Section 2-3-4 Meetings to Be Public

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

Section 2-3-5 Quorum

No action shall be taken unless a quorum is present. Four or more Council members (the Mayor counting as a member) shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time to compel the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of four (4) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

Section 2-3-6 Preparation of Agenda

A. Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the manager shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda in consultation with the Mayor and members of the Council according to the order of business and furnish each Council member, the Mayor and the attorney with a copy of the agenda and other necessary reports and materials together with a copy of the minutes of the last preceding Council meeting.
B. From time to time, addenda and late additions to the agenda are required and may be authorized by the Manager and Mayor due to extenuating circumstances beyond the control of the person requesting the addendum or late addition.
C. All Council members are authorized to place item(s) on the agenda. Agenda item requests are to be submitted in written form to the Clerk. If the number of previously scheduled agenda items prevents the scheduling of a requested agenda item, the Mayor (with the consent of the requesting Council member) may schedule the requested item to be heard at the next meeting of the Council.

B. The Town may use a consent agenda to dispose of routine matters coming before the Council.

Section 2-3-7 Order of Business

The business of the Council shall be the following items, not necessarily in that order:

A. Call to Order: The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the clerk shall call the Council to order and an

acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum and decide all questions of order and conduct. Questions from the staff or public are addressed to the chair.

B. Pledge of Allegiance.

C. Roll Call. Before proceeding with the business of the Council, the clerk or the clerk's designee shall record the roll of the members and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2-3-5 of this code.

D. Consent Agenda: (Routine business, meeting dates, disbursements, resolutions). Unless a member of the Council requests a reading of the minutes of the Council meeting, the minutes of the preceding meeting shall be considered approved if correct, and errors rectified if any exist.

E. Call to the Public. The Council on items designated for public input may hear petitions, remonstrances, communications, comments or suggestions from citizens present. All such remarks shall be addressed to the Council as a whole, and not to any member thereof, or the staff. Such remarks shall be limited to five minutes, unless the Mayor grants additional time. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. There will also be a Call to the Public for items NOT on the agenda. Council may direct staff to follow up on the item with a report or placement on an upcoming agenda.

F. Ordinances/Resolutions/Other Actions Requiring Council Approval. The Council shall consider any ordinances or resolutions or other actions requiring Council approval as may be listed on the agenda.

G. Reports by Officers. Town officials and committees shall present any reports required by the Council.

H. Information and Updates.

I. Adjournment. The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

Section 2-3-8 Voting

A. The Mayor shall vote as a member of the Council.

B. If requested by a Council member, the minutes shall show the ayes and nays of any question to be taken. Council members wishing to abstain for a conflict of interest shall state such on the record prior to any discussion or vote on the item and shall file a written declaration with the Clerk as soon as possible following the meeting. Any other abstention must be declared at the time of the calling for a vote, or a silence will be recorded as an affirmative vote. The Mayor or chairman of the meeting will announce on the record whether the motion passed or failed.

Section 2-3-9 Declaration of Vacancy

The office of any Council member is deemed vacant pursuant to ARS § 38-291, as may be amended, if such member fails to discharge the duties of his or her office for three (3) consecutive months, including failure to attend Council meetings unless otherwise authorized by the Council.

Article 2-4

ORDINANCES, RESOLUTIONS AND CONTRACTS

Section 2-4-1 Prior Approval

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been reviewed as to form by the attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-4-2 Introduction

Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the attorney or the manager may present ordinances, resolutions and other matters or subjects to the Council, and any member of the Council may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

Section 2-4-3 Reading of Proposed Ordinance

Ordinances shall be read before adoption, but may be read by title only, if the Council is in possession of printed copies of said ordinance. A member of the Council may request that the ordinance under consideration be read in full.

Section 2-4-4 Requirements for an Ordinance

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance.

Section 2-4-5 Effective Date of Ordinances

A. No ordinance, resolution, or franchise shall become operative until thirty days after its passage by the Council and execution by the Mayor, except measures permitted by law to be adopted as an emergency that are necessary for the immediate preservation of the peace, health or safety of the Town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the Council, taken by ayes and nays.

B. In addition to the provisions of subsection A of this section, the clerk shall certify the minutes of any Council meeting at which an ordinance, resolution or franchise, except an emergency measure, is passed. The thirty day period specified in subsection A shall be calculated from the date of passage by the Council, execution by the Mayor, and approval as to form by the Town Attorney, and a copy available to the public pursuant to ARS 19-142.C, as may be amended .

CHAPTER 3

ADMINISTRATION

Article 3-1

OFFICERS IN GENERAL

Section 3-1-1 Residency

Residency within Town limits for the manager, department heads, or other personnel may be required for certain positions as reflected in the advertising for the position.

Section 3-1-2 Dual Positions

The provisions below distinguish between three (3) positions that are appointed and reviewed by the Council (Town Manager, Town Attorney, and Finance Director), and other department heads that are under review and control of the Town Manager, who may terminate them for cause, but who do not have the severance offer of Section 3-1-3.B. In the event that a person has a dual position, such as Town Manager/Community Development Director, he or she will have the review and termination rights associated with the higher-level position, but in the event the job title is simply severed, without termination of the individual, such personnel action will not have rights under 3-1-3.B.

Section 3-1-3 Removal Provisions

A. **Removal for Cause.** The Town Manager, Town Attorney, and Finance Director will be reviewed by the Town Council using procedures that may be adopted by motion of the Council, and may be removed from their positions for cause. All other department heads and classified employees report to the Town Manager and may be removed for cause. "Removal for cause" includes failure to receive satisfactory performance reviews, violation of adopted work rules in the Personnel Handbook, violation of drug policies, conviction of a criminal offense involving moral turpitude, loss of any professional license or other qualification necessary for the position, and failure to fulfill tasks assigned by the job description.

B. **Termination Other than For Cause.** The Town Manager, Town Attorney (if employed by the Town), and Finance Director, may be removed by the Council other than for cause, by offering severance pay of six (6) months'-salary, conditioned on the employee and Town signing a mutual release for any employment claims, and including other terms mutually agreeable, as may be authorized by ARS §9-239.C, as may be amended.

C. A manager or department head shall provide the Council with thirty days' written notice of intention to resign his position.

Article 3-2

OFFICERS

Pursuant to ARS §9-237, as may be amended, in addition to the common Council, the officers of the Town include the Town Clerk, Town Marshal, Director of Public Works/Town Engineer, and other officers (department heads) deemed necessary by the common Council, who shall be appointed as provided by ordinance of the Town. Other officers include the Town Manager, Finance Director, Community Development Director, Library Director, Magistrate, Parks and Recreation Director, Housing Department Administrator and Street Superintendent. In the temporary absence of the Town Manager, Town Attorney or Finance Director, the officer shall appoint a temporary replacement in consultation with the Mayor and Vice-Mayor. In the temporary absence of an officer other than the Town Manager, Town Attorney and Finance Director, the officer shall appoint a temporary replacement in consultation with the Town Manager.

Section 3-2-1 Town Manager

A. Office Established. The office of Town Manager is hereby established.

B. Appointment of Town Manager. The Town Manager shall be appointed by majority vote of the Council on the basis of executive and administrative ability and shall hold office at the pleasure of the Council.

C. Eligibility. No member of the Council, their spouse or relatives to the first degree shall be eligible for appointment as Town Manager until one year has elapsed after such Council member shall have ceased to be a member of the Council. The Town Manager shall be a resident of the Town, unless such requirement is waived by the Council.

D. Powers and Duties of Town Manager. The Town Manager is the administrative head of the government of the Town under the direction and control of the Council except as otherwise provided in this article. He shall be responsible for the efficient administration of all the affairs of the Town that are under his control. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the following powers:

1. Law Enforcement. To see that all laws and ordinances of the Town and all franchises, contracts, permits, and privileges granted by the Council are faithfully observed and to report any failure in that regard to the Council. The Council shall then give such instruction and direction as it may desire for remedial, corrective or terminating action by the Manager.

2. Authority Over Employees. To control, order and give direction to all heads of departments (other than Council-appointed officers) and to subordinate officers and employees of the Town under his jurisdiction through their department heads.

3. Power of Appointment and Removal. To appoint, remove, promote, and demote any and all officers and employees of the Town, except the Finance Director, the Town Attorney, and the Town Magistrate, all of whom shall be appointed by the Council. As to these officers, he shall recommend appointment and removal to the Council. All such actions of the Manager shall be subject to all applicable personnel ordinances, rules and regulations and state statutes.

4. Administrative Reorganization of Offices. To conduct studies and effect such administrative reorganization of offices, positions, or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the town's business.

5. Ordinances. To recommend to the Council for adoption such measures and ordinances as he deems necessary.

6. Attendance at Council Meetings. To attend all meetings of the Council unless the Mayor excuses him individually or unless the Council excuses him, except when his removal is under consideration, in which case the Town Manager's attendance at a meeting shall be governed by the Arizona Open Meeting Act (A.R.S. § 38-431 *et seq.*, as may be amended). He may present recommendations relative to each item on the agenda for approval, rejection, or modification by the Council, and prepare the agenda as provided in Section 2-3-6.A.

7. Financial Reports. To keep the Council at all times fully advised as to the financial condition and needs of the Town, in consultation with the Finance Director.

8. Budget. To prepare and submit a proposed annual budget and a proposed annual salary plan to the Council.

9. Investigations and Complaints. To make investigations into the affairs of the Town and performance of any obligations of the Town and to report all findings to the Council. Further, it shall be the duty of the manager to investigate all complaints in relation to matters concerning the administration of the Town government. If the investigation involves the conduct of a person reporting directly to the Council (the Town Manager, Finance Director, or Town Attorney) the Mayor and Vice-Mayor shall designate a person to conduct the investigation. If the Mayor and Vice Mayor cannot agree on such designation, the matter shall be referred to the Council.

10. Public Buildings. To exercise general supervision over all public buildings, parks and other public property under the control and jurisdiction of the Council.

11. Additional Duties. To perform such other duties as may be required by the Council, not inconsistent with federal law, state law, or Town ordinances.

12. Salary Schedule. To recommend to the governing body a standard schedule of pay for each appointive office and position in Town service, including minimum, intermediate and

maximum rates. To authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with rates and salaries enacted by the Council.

E. Internal Relations.

1. Council-Manager Relations. The Council and its members shall deal with the administrative services of the Town only through the Town Manager, except for the purpose of inquiry, and neither the Council nor any member thereof shall give orders or instructions to any subordinates of the Town Manager. The Town Manager shall take his orders and instructions from the Council only when sitting in a duly convened meeting of the Council, and no individual Council member shall give orders or instructions to the Town Manager.

2. Attendance at Commission Meetings. The Town Manager may attend any and all meetings of the planning and zoning commission and all other commissions, boards or committees created by the Council. He shall cooperate to the fullest extent possible with the members of all commissions, boards, or committees appointed by the Council.

F. Other Departments. The Town Manager may, with the concurrence of the Council, establish other departments (in addition to the departments set forth in this Code) to conduct the business and affairs of the Town.

G. Before appointing a person to fill the positions of Town Clerk, Town Marshal, Director of Public Works/Town Engineer or any other department head position, the Town Manager shall solicit input from no more than three persons serving on the Council.

Section 3-2-2 Town Clerk

A. Office Established. The Office of the Town Clerk is hereby established. The Town Clerk shall be appointed by the Town Manager on the basis of ability and shall hold office pursuant to Section 3-1-3.A of this code. The Town Clerk shall also be Treasurer of the Town.

B. Duties.

1. Records. The clerk shall keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the Town or that the Council directs. The clerk shall number, plainly label, and file separately in a suitable cabinet all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders, and other documents of whatever nature.

2. Public Inspection of Records. The clerk shall keep convenient for public inspection all public reports and public documents under the control of the clerk, as provided by state statute.

3. Monthly Reports. The clerk shall prepare and collect from Town officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the Council.

4. Minutes. The clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

5. Ordinances, Resolutions, Budgets and Notices. The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets, and notices that may be passed by the Council.

6. Election Official. The clerk shall be the Town election official and perform those duties required by state statute and as directed by the Council.

7. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute, Town ordinance, or this code.

8. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon the clerk by the Council in addition to those specified in Arizona Revised Statutes, Town ordinances, and this code.

3-2-3 Finance Director

A. **Office Established**. The office of the Finance Director is hereby established. The Finance Director shall be appointed by the majority vote of the Council on the basis of ability, and shall hold office pursuant to Sections 3-1-3.A and 3-1-3B.

B. **Duties of Finance Director.** The Finance Director shall receive and safely keep all monies that come to the Town and pay out the same as authorized by the Council or the Manager as authorized by the Council. The Finance Director shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds prescribed by the Council, and keep a complete set of books showing every money transaction of the Town, the state of each fund, from what source the money in each fund is derived, and for what purpose expended. He shall make monthly reports to the Council of all receipts and disbursements, and the balance in each fund.

C. **Expenditure Control and Purchasing.** The Finance Director is authorized to approve requests to expend funds, but only as authorized in a Council-approved budget except that in interruptions of Town Services resulting in a public emergency, the Finance Director and the Town Manager may jointly award contracts and make purchases for the purpose of meeting said emergency, but they shall file promptly with the Council a certificate showing such emergency and the necessity of such action, together with an itemized account of all expenditures. It shall be the duty of the Finance Director and the Town Manager to see that no indebtedness is incurred or expenditure made in violation of the Arizona Constitution and the state budget laws.

Section 3-2-4 Town Marshal

A. Office Established. The office of the Town Marshal is hereby established. The Town Marshal shall be appointed by the Town Manager on the basis of ability, and shall hold office pursuant to Section 3-1-3.A of this code. The Town Marshal shall be a resident of the Town, unless such requirement is waived by the Council.

C. Powers and Duties. The Town Marshal is the administrative head of the police department of the Town under the direction and control of the Town Manager. He shall perform such duties as may be required of him by law and as the Town Manager may deem necessary.

Section 3-2-5 Director of Community Development

A. Office Established. The Office of Director of Community Development is hereby established. The Director of Community Development shall be appointed by the Town Manager on the basis of ability, and shall hold office pursuant to Section 3-1-3.A of this code.

~~C.~~ B. Powers and Duties. The Director of Community Development shall:

1. Be the zoning administrator pursuant to ARS § 9-462.05, as may be amended, to enforce the zoning regulations of the Town of Camp Verde, either directly or through his designee advise the zoning inspector of Town policy and violations, help to determine enforcement priorities, and train and supervise the inspectors.

2. Act as the head of the Town's Department of Community Development.

3. Have the following duties in regard to economic development:

a. Organize and develop the economic planning for the Town.

b. Participate in development and planning and implementation of goals and objectives, along with the Camp Verde Chamber of Commerce and the Town's Economic Development Commission, or similar organizations, to stimulate retail sales, encourage new and existing business development with increased employment and better wages, and location of commerce and industry to Camp Verde.

c. Act as representative for the Town and liaison with potential new retailers, and industrial business, commercial business or other developers.

d. Respond to and resolve issues and questions on economic and industrial development.

4. Have the following duties concerning Town Planning:

a. Develop goals and objectives for planning, including supervision of the preparation or updating of the general plan of the Town.

b. Conduct and supervise planning studies in the community to gather data for evaluating current and advanced planning projects.

c. Direct the preparation of agenda items for the Council, the Planning and Zoning Commission, and other committees, commissions, and boards involved in land use and planning.

d. Serve as technical advisor to the Commission, Council, Manager, and other Town departments and civic groups on planning, zoning, and code enforcement.

e. Confer with engineers, developers, architects, other governmental agencies, and the general public in acquiring information and coordinating planning and zoning matters including providing such persons or agencies with information on Town subdivisions and zoning codes.

f. Conduct special studies and assignments, research complex planning problems, and prepare reports.

g. Assign inspector(s) to respond to and resolve citizen complaints and inquiries regarding planning and zoning matters.

Section 3-2-6 Director of Public Works/Engineer

A. Office Established. The office of Director of Public Works/Engineer is hereby established. The Director of Public Works/Engineer shall be appointed by the Town Manager on the basis of ability, and shall hold office pursuant to Section 3-1-3.A of this code.

B. Powers and Duties. The Director of Public Works/Engineer is the administrative head of the public works department under the direction and control of the manager. In such position, the Director of Public Works/Engineer shall:

1. Supervise the operations division which shall have charge of and supervision over the care, maintenance and construction of all streets, sidewalks, alleys and public ways; the construction, operation and maintenance of all storm, water and sanitary sewers and all street gutters, drains, drainage ways, improvement districts, waste water treatment, airports, easements and appurtenances thereto under Town jurisdiction; the care, maintenance and construction of all public buildings, lands and parkways; the operation, maintenance and construction of all other public works projects and improvements within the jurisdiction of the Town.

2. Direct preparation of improvement districts and coordinates work and studies for improvement projects.

3. Direct abandonments and acquisition of right-of-way for public improvements such as streets, alleys, sewers and drainage ways.

4. Review and approve plans, permits, and specifications for Town construction contracts; direct and advise inspectors of construction projects under his jurisdiction; interpret construction plans and specifications.

Section 3-2-7 Town Attorney

A. Office Established. The office of Town Attorney is hereby established. The Town Attorney shall be appointed by a majority vote of the Council on the basis of ability and shall hold office pursuant to Sections 3-1-3.A and 3-1-3.B of this code.

B. Powers and Duties.

1. The Town Attorney is the administrative head of the legal department under the direction and control of the Council.

2. The Town Attorney shall act as the legal counselor and advisor of the Council and other Town officials. The Town Attorney shall give his opinion in writing when requested. Major issues should be subject to Council review and majority direction. Any request that is estimated by the Town Attorney to exceed two (2) hours to complete will be considered a major issue that should be placed on the agenda.

3. If there is a legal issue concerning an agenda item, the Town Attorney may be requested by the Mayor, after direction by the Council, to provide a written opinion to Council, call for a vote for an Executive Session, or to discuss the matter with the interested Council Member in private, rather than give impromptu opinions during the meeting. The Town Manager may also request a formal written opinion in advance of a meeting regarding minor issues. This would not prevent the Attorney from responding to questions on procedures, or explaining the provisions of forms or documents related to the agenda items.

4. The Town Attorney shall draft and/or review deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments when required. Major issues should be subject to Council review and majority direction. Any request that is estimated by the Town Attorney to exceed two (2) hours to complete will be considered a major issue that should be placed on the agenda.

5. The Town Attorney shall approve or disapprove as to form, in writing, all documents submitted to the Town Attorney.

6. The Town Attorney shall return, within ten days, all ordinances and resolutions submitted to him for consideration, with the Town Attorney's approval or disapproval as to form noted thereon, together with his reasons therefore if disapproved.

7. The Town Attorney shall handle or monitor all suits, actions, or causes where the Town is a party and report to the Council, when required, the condition of any suit or action to which the Town is a party.

8. Any contract or consulting attorney or legal representative shall report to the Town Attorney who will act as liaison to the Council. No individual Council Member shall be allowed to directly contact contract attorneys. In the event of conflict of interest or unavailability, the Town Manager shall be liaison to that specific item.

Article 3-3

PURCHASING

Section 3-3-1 Scope of Article

This article shall govern the purchase of any goods or services for or on behalf of the Town. This article is intended to supplement state law and to provide the Town the purchasing power set forth in this Article in addition to powers otherwise available to the Town under state law. However, should applicable state law provide more strict provisions regarding any proposed transaction, those more stringent provisions shall apply.

Section 3-3-2 Council Approval When Required

Notwithstanding the provisions of Section 3-3-5, no purchases shall be made by or on behalf of the Town without first obtaining Council approval in the following instances:

A. Where prior approval is required by state law or Town code;

B. Where the purchase of the item is not included in a category of expenditures provided in the budget as adopted;

C. Where funds for the purchase are not provided in the budget as adopted;

D. For the expenditure of funds in an amount in excess of ten thousand dollars, even if included in an approved budget.

Section 3-3-3 Purchasing Director; Duties

A. The Finance Director shall serve as the purchasing director and shall direct and control all purchases of goods and services made by or on behalf of the Town.

B. The purchasing director shall approve or deny all purchase requests and shall report to the Council on any purchase requiring Council approval.

Section 3-3-4 Emergency Purchases; Procedure

In case of an emergency which requires immediate purchase of supplies or services and when time is of the essence and applicable state law does not provide otherwise, the Mayor shall be empowered to authorize the purchasing director to acquire goods or services without complying with the requirements and procedures in this article. A full report of the circumstances of such emergency and the goods or services obtained shall be made to the Council at its next regular meeting.

Section 3-3-5 Purchases In General; Bids and Proposals

A. Purchases Under $2,500. Whenever the contemplated purchase or contract for services is for the sum of less than$2,500, upon completion of a requisition form and purchase order form, the purchasing director may obtain the goods or services without further formality.

B. $2,500 to $10,000 Inclusive. Whenever any contemplated purchase or contract for services is for the sum of at least $2,500 but not more than $10,000, after completion of a requisition form, the purchasing director shall obtain at least three bids or proposals. At the discretion of the purchasing director, bids or proposals may be solicited electronically or in writing. Documentation of the bids or proposals solicited is to be maintained and attached to a completed purchase order form. Upon review of the bids and proposals, the purchasing director shall award the purchase or contract to the lowest responsive and responsible bidder in the case of bids, or to the proposer who submits the most responsive and responsible proposal determined to be the most advantageous to the Town, in the case of proposals.

C. In Excess of $10,000. Whenever any contemplated purchase or contract is for a sum in excess of $10,000, the purchasing director shall advertise for bids or proposals according to the procedures provided in this article. The purchase or contract shall be awarded to the lowest responsive and responsible bidder, in the case of bids, or to the proposer who submits the most responsive and responsible proposal determined to be the most advantageous to the Town, in the case of proposals, but the Town shall reserve the right to reject any and all bids and proposals and re-advertise. Written bids or proposals are not required when items are purchased from a vendor on the State Procurement List. No purchase or contract in an amount in excess of $10,000 shall be awarded without prior Council approval. The purchasing director shall present the bids or proposals obtained to the Council and shall report to them on the need for the goods or service and the advantages or disadvantages of the contract and bid proposals. The Council reserves the right to reject any and all bids and re-advertise.

Section 3-3-6 Bidding and Proposal Procedures

Except as provided in state law, the purchasing director shall follow the procedure set forth in this section for all purchases and contracts subject to the bidding process:

A. A notice of solicitation for bids shall state the date, time and place of opening, and the place and time period within which bids shall be submitted.

B. The notice shall state with particularity the goods or services required and shall state the place where specifications may be examined.

C. Bids shall be submitted in a sealed envelope clearly identified as a bid on the front of the envelope. Any bid not received within the time period allowed shall be rejected.

D. All bids shall be opened in public at the time and place specified, and a tabulation of all bids shall be posted in Town Hall for public inspection.

E. All bidders shall be notified in writing of the award or rejection of any and all bids.

F. Proposals shall be requested and evaluated pursuant to procedures consistent with the State Procurement Code (A.R.S. § 41-2534, as may be amended).

Section 3-3-7 Performance and Payment Bonds

The purchasing director shall have the authority to require a performance bond, in such amount as the purchasing director may deem sufficient for contracts other than contracts for construction, and the purchasing director shall require performance and payment bonds for contracts for construction as required by law. In all cases of construction to which state law applies, any requirement for a bond shall be incorporated into the contract.

Section 3-3-8 Exclusive Service

In the event that there is only one person or entity capable of providing a particular commodity or service, the requirement of this article concerning bidding procedures shall not be applicable.

Section 3-3-9 Professional and Technical Services

A. The provisions of this article shall not apply to professional or technical services.

B. No person or firm practicing in a professional or technical field for which a license is required by state law shall be engaged by the Town unless possessing a current license in good standing.

C. Upon engagement, the Town shall enter into a written agreement or memorandum of understanding for the performance of the services for which engaged, setting forth the scope of services and the unit or total price therefore.

Section 3-3-10 Cooperative Purchasing

This article shall not apply to purchases made by, through, or with the State of Arizona or its political subdivisions. The Town may make purchases or award contracts for services without a formal bidding or proposal process whenever other governmental units have done so for the same item or service, if, in the opinion of the purchasing director, a separate bidding process is not likely to result in a lower price for such items or services.

Section 3-3-11 Grants

The provisions set forth in Article 3-3 may be superseded by bidding, proposal, or qualification requirements in federal and state grants.

Section 3-3-12 Purchases from Mayor or Council members

Pursuant to ARS § 38-503(C), as may be amended, the Town, through its common Council, may purchase supplies, materials, and equipment not to exceed three hundred dollars in cost in any single transaction or a total of one thousand dollars annually, or as may be adjusted by law from the Mayor or any member of the common Council without using competitive public bidding procedures according to an annually adopted Town policy.

CHAPTER 4

BOARDS, COMMISSIONS AND COMMITTEES

Article 4-1

MEMBERSHIP

A. Membership and Organization. Each board and commission shall be made up of seven members appointed by the Council in accordance with the procedures contained in subsection B of this article. The organization of boards and commissions shall include a chairperson, and vice-chairperson who are elected from the membership in accordance with Article 4-2.

B. Selection of New Members. Prior to the expiration of terms for board and commission members, the Council shall call for letters of interest from the general public. Such letters shall be filed with the Town in accordance with the time lines and other related procedures established by the Council. Membership requirements for appointees are subject to the requirements established in the appropriate resolution or ordinance that created the board or commission. The Council may establish any other requirements at the time such appointments are sought for the purpose of aiding the Council in completing the selection process. Any member of a board or commission appointed by the Council shall reside within the corporate limits of the Town. However, Council may waive the residency requirement with good cause, except for appointments to the Planning and Zoning Commission, Board of Appeals, Board of Adjustments, and Housing Committee. If a member holding a position relocates outside of the Town limits, other than within 90 days from the end of the appointed term, he or she shall resign from the board or commission. (Rev. 2004 by Ord 2003-A261)

C. Terms of Members. All members appointed to boards and commissions are limited to a three year term which begins on October 1 of the year such appointment is made. Members may be re-appointed to additional terms. Such terms are to be staggered so that the terms of no more than three members shall expire in any given year.

D. Removal. Members of boards or commissions may be removed for cause including excessive lack of attendance, absences of three consecutive meetings or more than half of all scheduled meetings in any municipal year, or improper conduct as determined by the Mayor and Council.

Article 4-2

ORGANIZATION

A. First Meeting. Each board and commission, during its first meeting of the month of October of each calendar year, shall:

1. Elect a Chairperson. The board or commission shall accept nominations from its membership for a chairperson. Such nominations shall be made, and seconded, and selection of one chairperson shall result upon a majority vote of the full membership of the board or commission.

2. Elect a Vice-Chairperson. The board or commission shall accept nominations from its membership for a vice-chairperson. Such nominations shall be made, and seconded, and selection of one vice-chairperson shall result upon a majority vote of the full membership of the board or commission.

3. Set the Regular Meeting Schedule. The board or commission shall review and approve a meeting schedule that establishes the regular meeting time, regular meeting date and regular meeting place. Such schedule shall contain, at the very least, one regular meeting a month. The regular meeting date shall be on a recognized day or days of the month such as the first Thursday of the month. The Town Council may schedule special meetings and work sessions.

B. Duties of Officers/Members. The duties and powers of the various officers and members of the boards and commissions are as follows:

1. Chairperson. The chairperson shall preside at all meetings and hearings of the board or commission, decide all points of order or procedure, and perform any duties required by law, ordinance or the requirements established in this chapter. The term of the chairperson shall be one year, unless reelected to succeeding terms by a majority vote of the membership. The chairperson shall be responsible for becoming familiar with and adhering to the provisions of the open meeting law. The chairperson shall also become familiar with the provisions of Roberts Rules of Order, and, although general informality in such rules of order may prevail, shall adhere to such rules in the conduct of meetings where emotional content of the subject matter or the conflict of personalities may otherwise interfere with the orderly conduct of business. The chairperson may, to the extent necessary, work with the department head assigned to the board or commission to assist with special needs, requirements for assistance from the staff, reviewing monthly budget reports and preparation of agendas. At the first regular meeting of each calendar quarter, the chairperson, or his or her designee, will provide a written and verbal report to the Mayor and Council summarizing the board or commission activities during the prior quarter,

identify upcoming activities and review any problems, concerns or proposals. Such reports are to be submitted to the Town Manager in advance of the meeting for inclusion in the Council meeting packets. In addition, the chairperson shall sign all minutes and resolutions of the board or commission.

2. Vice-Chairperson. The vice-chairperson shall have the responsibility of assuming all of the duties and responsibilities of the chairperson in the event that the chairperson should be absent or the position vacant. Additional duties or activities may be assigned by the chairperson upon majority approval of the board or commission as determined necessary.

Article 4-3

MEETINGS

A. Agendas and Minutes. Each board and commission shall provide for the posting of agendas and the preparation and approval of minutes for all meetings. The following minimums shall apply to agendas and minutes:

1. Agendas. Agendas shall be posted on the Town Hall bulletin board a minimum of twenty-four hours in advance of all regular, special, and work session meetings of the board or commission and in other locations as deemed necessary.

a. Format. The order of the agenda items may be arranged according to the format approved by the board or commission and additional items may be added. The agenda format shall include at least the following:

(1) Name of board or commission

(2) Date, time, and place of meeting with a statement that the meeting place is handicapped accessible

(3) Call to order

(4) Roll call

(5) Discussion and possible action on the following items

(6) Consent agenda

(7) Approval of the minutes

(8) Call to the public

(9) New business

(10) Set next meeting, time and date

(11) Adjournment

b. Call to the Public. The "Call to the Public" item shall allow for public input on items either on the agenda or other items that may reasonably affect the board or commission. The board or commission may call for non-agenda item input at this time if appropriate input is allowed during all discussion items. The open meeting law prohibits the board or commission from discussing or making decisions on non-agenda items, however, the board or commission may choose to delegate Town staff to handle the issue or place the item for discussion on a future agenda.

c. Special or Work Sessions. The board or commission may, upon majority vote, set a special meeting or work session. In addition, if determined necessary by the affected department head, a special meeting or work session may be called upon discussion with the chairperson.

d. Agenda Packets. Upon completion of agenda posting and preparation of attachments to the agenda, copies of the agenda and any attachments shall be made available to the members of the board or commission in the manner deemed appropriate by the department head. Copies of the complete agenda packets shall be placed in the front reception area of Town Hall for disbursal to interested members of the public a minimum of twenty-four hours in advance of the meeting.

e. Agenda Items. The department head depending upon the format of the board or commission shall determine the content of the agenda discussion items. If determined prudent for the board or commission, the chairperson may set the agenda with concurrence from the department head. Such procedures are determined necessary to ensure that the business of the board or commission is conducted in a timely manner. Should a member wish to place an item on the agenda, the member may request such at the next regular meeting of the board or Commission. In the case of conflicts, items may be brought to the board or commission for a vote to consider whether or not the item should be agendized. In the case of the planning and zoning commission and the board of adjustments and appeals, all current applications which require review of the board or commission must be agendized in accordance with state law and may not be removed from the agenda until a vote on the matter has occurred.

2. Minutes. The Town Manager will provide for secretarial/ recording services for the commissions. Tape recording of work sessions is preferred, but if not possible, detailed minutes shall be taken by hand by the secretary or recording secretary assigned by the department head. The following procedures shall be followed:

a. Approval. Minutes of the previous meeting(s) shall be presented at the most reasonable date following the meeting, usually the next meeting of the board or commission. Such minutes shall be reviewed and approved by a majority vote of the board or commission.

b. Filing. Upon approval of minutes, the signed original shall be provided to the Town Clerk within seventy-two hours of approval. In addition, the affected department shall maintain copies for public review.

c. Disbursal. In no case shall minutes be provided to the public until such time as they are approved or a draft is placed on an agenda for the board or commission's consideration. After approval, the minutes become a public record and shall be available for public review upon request. Copies of minutes may be released and appropriate copy fees charged to the requesting party in accordance with Town Council policy.

d. Content. Minutes shall contain, at minimum, all discussion of each agenda item. Roll call shall be included with a listing of the members present and absent from the meeting, including any staff present. When the board or commission, the motion maker take an action, the seconding party and the numerical vote shall be listed in the minutes along with a complete wording of the motion. If a roll call vote is conducted, the name and vote of all members shall be listed. The minutes shall be as complete as possible with emphasis on discussion to determine the reason(s) for the board or commission's action on an item.

B. Voting Procedures, Quorums and Abstentions. The action of any board or commission shall be taken by a vote of the membership. Voting procedures shall be in accordance with Robert's Rules of Order and shall include the minimum:

1. Motion. A member of the board or commission only may make a motion, and such motion shall only take place after the introduction of an agenda item. If an agenda item is listed as a public hearing, such motion shall not take place until the public hearing has been called and closed.

2. Second. A motion must receive a second from a member of the board or commission. Once a second is received, additional discussion may take place on the item before the vote is taken. If a motion is not seconded, the motion dies.

3. Voting. The chairperson shall call for a vote upon completion of a motion, second, and any discussion. Such vote shall consist of votes in favor, votes in opposition, or abstentions. For a motion to pass, a minimum of four votes shall be in favor of the motion. If less than four votes are received in favor, the motion is then considered to be a vote of denial of the motion. Items may be tabled or referred to a later agenda if it is determined, by majority vote, that such decision would best be rendered upon receiving more information or if requested by the applicant. Tabling or delaying of agenda items should be based upon a definitive time frame and reason. Such should only be considered when necessary or if the applicant is absent or requests a delay.

4. Quorum. A majority of the membership of the board or commission (four) is considered a quorum. If a quorum is present, the meeting shall commence and voting may occur. An affirmative vote shall be unanimous if only four members are present.

5. Abstentions/Conflict of Interest. If a member of a board or commission determines that they have a conflict of interest, they shall remove themselves from the meeting room and not take part in either the discussion or the vote. Such conflict should be stated prior to the item being introduced or just after introduction but prior to discussion. A member may abstain from voting on an item even if a conflict of interest is not present; however, this is not a preferred action.

Article 4-4

GENERAL DUTIES AND REQUIREMENTS

All boards and commissions are established by a separate document that conveys the specific duties and powers of the group. The following general duties and requirements apply to all members of boards and commissions.

A. The board or commission must operate under the statutory requirements of the Arizona Revised Statutes. Upon appointment to a board or commission, such member shall obtain information regarding the open meeting law and shall become familiar and abide by all statutory requirements. All members of a board or commission are to be provided with copies of this chapter upon appointment and shall become familiar with the duties and requirements of this chapter and other ordinances, resolutions, or information affecting the board or commission and the general subject matter/department which they discuss.

B. Actions of a board or commission are recommendations only, and final action shall be taken by the Council upon items involving financial matters or other items affecting the duties of the staff or creation of new rules and regulations in accordance with state law. The decisions of the board of adjustments and appeals are final unless appealed to superior court.

C. A subcommittee of members of the board or commission may meet to discuss special projects as long as such subcommittee is less than a majority of members, such special subcommittee may be assigned only from the membership and shall not be construed to allow for appointment of non-members to any special committee or group unless approved by the Council in advance of such action.

D. Boards and commissions should review the proposed budget of the affected department where appropriate. Such review should provide general guidance to the department. No formal changes to the proposed budget can be made without the department head's approval. Should conflicts arise, such may be referred to the Town Manager in writing, if deemed appropriate.

E. Boards and commission shall annually review, as necessary, the operating policies and procedures for that activity within their purview. Changes deemed appropriate by the board or commission shall be forwarded, in writing, to the department head and Town Manager and may be provided for consideration by the Mayor and Council if necessary.

F. Boards and commissions shall annually, if necessary, conduct a review of the facilities to include buildings, grounds or any other real property or facilities operated by the Town that are within their purview. A report of the review shall be issued for consideration by the department head and Town Manager and referred to the Council if necessary for formal consideration.

G. A development plan may be developed by the board or commission regarding the department activities that they are empowered to act upon. Such plan should be forward-thinking (five years) and include considerations for the facilities, staffing, equipment, materials, and other items. The Council shall submit such report to the department head and Town Manager for review for final consideration.

H. Members of boards and commissions are hereby encouraged to interact with persons serving in similar capacities in other communities as well as those regional and state officials whose duties include an advisory capacity to them. The purpose of this chapter is not to encumber each of the boards and commissions with specific duties and responsibilities as to interfere with the opportunity for expression of imagination and creativity. Rather, it is the intent of this chapter to assure the orderly and timely conduct of the business of boards and commissions. Structured activity, procedures and policies are needed to ensure that the work of the board or commission is worthwhile, productive and successful.

I. A board or commission may vote to consider a request for scheduling a joint work session with the Council. Such request may be made in writing after approval of the board or commission and shall include a description of the reason(s) for the meeting. Such request shall then be presented for consideration of the Council. The Council may also request joint work sessions with any board or commission and may set any items for discussion at such meeting.

J. All powers and authorities of the Town are reserved to the Mayor and Council except to the extent that they are specifically delegated to various members of the staff or board or commission by the Mayor and Council or by statute. Boards and commissions are basically to serve in an advisory capacity. Notwithstanding such reservation, the following powers and authorities are delegated to the boards or commissions:

1. Each board or commission shall have the power and the express authority to review those matters specifically assigned to it by ordinance or statute. They shall have the power and authority to issue reports and to discuss such reports with the manager and the Council and to hold any necessary public forums required to assist them in the development of any such reports. Said public forums may include discussion with the press, discussions with the public in general, special meetings and public hearings. In no case, however, shall a board or commission have the power or authority to enter into a contract or to obligate the Town to expend funds. Any such contract or obligation of funds shall be undertaken by request submitted to the Town Manager. Such request shall be responded to, in writing, either positively or negatively within thirty days of receipt of such request by the Town Manager.

2. Executive sessions, as may be allowed pursuant to ARS 38-431.03, as may be amended, to discuss legal matters or property acquisition, shall be requested by the chairman and scheduled jointly with the Council.

Article 4-5

COMMITTEES

The Council may appoint temporary *ad hoc* committees for limited purposes. All committees are required to follow the procedures for meetings as set forth in Article 4-3. A quorum for all *ad hoc* committees will consist of four (4) members present at any meeting.

CHAPTER 5

MUNICIPAL COURT

Article 5-1

MUNICIPAL COURT ESTABLISHED; JURISDICTION

There is hereby established in the Town a municipal court that shall have jurisdiction of all violations of this code and jurisdiction concurrently with justices of the peace of precincts in which the Town is located of violations of laws of the state committed within the limits of the Town.

Article 5-2

PRESIDING OFFICER

Section 5-2-1 Town Magistrate

The presiding officer of the magistrate court and such other magistrates as deemed necessary by the Council shall be appointed by the Council. A magistrate shall serve for a term of either two or four years. During such term, a magistrate may be removed only for cause.

Section 5-2-2 Powers and Duties of Town Magistrate

The powers and duties of the Magistrate shall include:

A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code, and the ordinances and resolutions of the Town.

B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.

C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.

D. Payment of all fees, fines, penalties, and other monies collected by the court at least once each month to the treasurer or other officer as designated by the Council.

E. Submitting a monthly report to the Council summarizing court activities for that month.

F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

G. Designation of a deputy other than a law enforcement officer and a specific location, at which the deputy shall, during hours when court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

H. Preparation of a schedule of civil traffic violations listing a specific deposit for each violation. The Magistrate shall designate a person, a specific location and the hours during which such person will be at the location to accept proper deposits for civil traffic violations for and on behalf of the court.

I. Prepare an annual departmental budget as required by the Town manager.

J. Supervise and administer, including hiring, promotion and termination of court employees consistent with the requirements of the Town Code, Personnel Rules and adopted budget.

K. Purchase, acquire, or retain goods and services consistent with the requirements of the Town Code and adopted budget.

L. Provide coordination, input, and advice on court administrative matters to the Town Council and staff.

Section 5-2-3 Hearing Officers

The Council may appoint one or more hearing officers to preside over civil traffic violation cases when, in their opinion, the appointment of such hearing officers is necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Magistrate court that are appealable to the superior court pursuant to Title 22, Chapter 2, Article 4, Arizona Revised Statutes.

Section 5-2-4 Assistant Magistrate

The Town Magistrate may recommend to the Council the names of individuals qualified to serve as assistant magistrate, subject to the assignment and direction of the Town Magistrate, once appointed. All assistant magistrates shall serve for a specified term, subject to removal by the Council. All duly appointed assistant magistrate shall be compensated per a fee established by the Council, and subject to the reimbursement of those travel expenses and other out-of-pocket allowances permitted for Town employees. All assistant magistrates shall be independent contractors and not subject to the benefits or wage provision for Town employees.

CHAPTER 6

ANIMALS

Article 6-1

ANIMAL CONTROL AND LICENSING

6-1-1 Animal Control Officer

6-1-2 Animals at Large

6-1-3 Waste Removal Required

6-1-4 Licensing of Dogs

6-1-5 Excessive Noise caused by Animals or Birds

6-1-6 Stray Animals

6-1-7 Protection of Animals by Town

6-1-8 Penalty

Section 6-1-1 Animal Control Officer

A. Pursuant to ARS 9-499.04, as may be amended, the town hereby establishes the office of animal control officer (ACO) who may commence an action or proceeding before a court for any violation or enforcement of this chapter, other local ordinances, and state statutes relating to animal control which occurs within the jurisdiction of the town. Any certified peace officer may also enforce this chapter, ordinances, and statutes.

B. It is unlawful for any person to interfere with the ACO or a law enforcement agent in the performance of their duties.

Section 6-1-2 Dogs at Large

A. A dog shall be deemed "at large" if (i) the dog is not under the verbal control of its owner or the person responsible for its care, or (ii) the dog is unleashed at a distance greater than twenty feet from its owner or the person responsible for its care. A dog is not at large if it is unrestrained on the property or residence of the owner or person responsible for its care.

B. It is unlawful for an owner or person responsible for the care of a dog to permit it to be at large within the town limits. Evidence that the person permitted the dog to be at large may be shown from prior verbal or written warnings by the ACO,, complaints from adjoining or neighborhood property owners or the public to the ACO or marshal's office that the dog was observed loose or unattended, the owner or responsible person allowed the dog to be in a public place without any physical restraints, or that the dog was being

maintained on the property or residence of the owner or responsible party without sufficient or reasonable enclosures or restraints after being notified that the dog had been leaving the property.

C. Dogs may be at large as an exception to this section as follows:
   1. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
   2. While being used or trained for legal hunting or control of livestock.
   3. While assisting a peace officer engaged in law enforcement duties.
   4. Guide dogs while assisting blind, deaf or physically handicapped persons, so long as such dogs are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.

Section 6-1-3 Waste Removal Required

A. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to guide dogs for blind persons or persons with mobility disabilities.

B. It shall be unlawful for the owner or person having custody of any dog to deposit, cause to be deposited or allow solid waste from dogs to accumulate within or about such premises for longer time than forty-eight hours. This provision is to include animal waste on private property, including property owned, leased, or controlled by the owner of the dog.

Section 6-1-4 Licensing of Dogs

A. Each dog four months of age or over that is kept, harbored, or maintained within the town limits for at least thirty consecutive days shall be licensed by the town. Fees and penalties for licenses shall be established by resolution of the council, and the town shall provide durable dog tags with the name of the town, license number, and expiration date. Before a license is issued, the owner must present a rabies vaccination certificate signed by a licensed veterinarian stating the owner's name and address and giving the dog's description, date of vaccinations, types, manufacturer, and serial number of the vaccine and the date the revaccination is due.

B. It is unlawful for any person who fails within fifteen days after notification by the ACO, verbally or in writing, to obtain a license for a dog required to be licensed under this article or as may otherwise be required by law, or to remove a dog tag from a dog required to be licensed, or to place a dog tag on a dog other than the dog for which the license was issued.

Section 6-1-5 Excessive Noise caused by Animals or Birds

It is unlawful for any person to own, possess, harbor, or control any animal or bird which frequently or for continuous duration barks, howls, meows, squawks, or makes other aggravating noises if they are clearly audible beyond the property line of the property on which they are conducted and they unreasonably disturb the peace and quiet of the neighborhood.

Section 6-1-6 Stray Animals

Any person who keeps or causes to be kept any horse, mule, cattle, burro, goat, sheep, swine (including potbellied pigs), or other livestock or poultry shall keep such animals in a pen or similar enclosure to prevent the animal from being at large within Town limits. Any such animal found at large may be impounded, with the cost for care to be paid by the owners or responsible parties, and a citation for animal at large may be issued.

Section 6-1-7 Protection of Animals by Town

A. Any peace officer or Camp Verde Animal Control Officer or other designated town enforcement agent(s) is authorized to enforce ARS §13-2910, Cruelty to Animals and its subsections, as may be amended, and to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within a vehicle or other enclosed space.

B. No peace officer or any Camp Verde Animal Control Officer or other designated town enforcement agents shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

C. Any peace officer or any Camp Verde Animal Control Officer or other designated town enforcement agent(s) is authorized and empowered to remove and impound any animal in plain view and suffering from life threatening exigent circumstances. The owner of any animal removed or impounded under the provisions of this article or the applicable state law shall be liable for any impoundment, boarding, or veterinary fees incurred in connection therewith.

Section 6-1-8 Penalty

A. Any person who violates or fails to comply with any provision of this article shall be guilty of a petty offense on the first offense, and of a Class 2 misdemeanor on the second offense and a Class 1 misdemeanor on any subsequent offense, whether or not the subsequent offense involves the same animal, punishable as may be established by law.

B. A Camp Verde Animal Control Officer or other designated town enforcement agent(s) may, in addition to the procedures prescribed in this section, impound or cause to be impounded any dog, livestock, or poultry running at large contrary to the provisions of this article.
   1. Upon the impounding of any animal, the owner, if known, shall be immediately notified in person, by telephone, or by mail, and may reclaim such animal upon payment of all costs and charges incurred in picking up, impounding, and maintaining the animal.
   2. Any licensed dog unclaimed within seven days of its impoundment may be placed for adoption or humanely destroyed within the discretion of Camp Verde Animal Control.
   3. Any unlicensed dog unclaimed within five days may be placed for adoption or humanely destroyed within the discretion of Camp Verde Animal Control.
   4. Any livestock requiring impoundment will be turned over to the Arizona Department of Agriculture, Livestock Division.

Article 6-2

VICIOUS, DESTUCTIVE OR DANGEROUS ANIMALS

Section 6-2-1 Vicious or Destructive Animals

Section 6-2-2 Violations; Penalty

Section 6-2-3 Dangerous Animals; Definition

Section 6-2-4 Declaring an Animal Dangerous; notice

Section 6-2-5 Hearing; Burden of Proof; Appeal

Section 6-2-6 Order of Compliance

Section 6-2-7 Consent to Inspection; Inspection; Order of Compliance; Seizure

Section 6-2-8 Required Acts and Unlawful Activities

Section 6-2-9 Minimum Penalties; Enhancement

Section 6-2-10 Authority to Enforce, Remove, and Impound

Section 6-2-1 Vicious or Destructive Animals

It is unlawful for any person to keep, control, harbor, or otherwise have under control any animal which is vicious or destructive. This article shall not apply to zoos, wild animal parks, or animal shelters, or to persons who are in compliance with an order of the town magistrate, issued pursuant to this section.

Section 6-2-2 Violations; Penalty

A. The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals, or destroys, damages, or causes damage to the property of another is guilty of a class 1 misdemeanor.

B. An owner of an animal charged with a violation of this article shall produce that animal for inspection or impoundment upon the request of the Camp Verde Animal Control or other designated town enforcement agent. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.

C. It is unlawful for any person to fail to comply with an order of the magistrate regarding a vicious or destructive animal. It is a separate offense for each day that such a person fails to comply with the magistrate's order.

D. A violation of any provision of this article is punishable by a fine of up to two thousand five hundred dollars ($2,500), six months in jail, three years probation or any combination thereof. The magistrate may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed.

E. In addition to the above sanctions, upon the declaration of an animal as vicious or destructive, the magistrate shall order the owner to do one or more of the following:

1. The animal shall be kept in an enclosure that is high enough so that the animal cannot bite, harm, or injure anyone outside the enclosure. The enclosure and property whereon it is located shall be posted with conspicuous signs, and at no time shall the animal leave the enclosure unless it is muzzled, leashed and under the control of an adult human being; or
2. The animal be banished from the town limits; or
3. The animal be spayed or neutered at the owner's expense; or
4. The animal be humanely destroyed; or
5. Restitution up to one thousand dollars ($1,000) may be ordered made by the owner to the victim. This remedy shall not abridge any civil cause of action by the victim.

F. It shall be an affirmative defense to the provisions of this article if the animal is:

1. Not at large and there is provocation; or
2. The dog is a police dog under the command of its trainer.

G. In any proceeding brought to enforce a violation of this article, the following procedure shall be used.

1. A Camp Verde Animal Control Officer or other designated town enforcement agent, upon determining that any animal within the town limits is vicious and is an immediate danger to the safety of any person or other animal, may impound the animal immediately.
2. Within ten days of the date of impoundment, the town magistrate shall conduct a hearing provided under this article.
3. The owner of the animal shall be notified of this hearing by the court. Upon proof of such notification, such hearing may proceed in the owner's absence.

Section 6-2-3 Dangerous Animals

Definitions

A. A dangerous animal means one which has been declared to be vicious or destructive pursuant to this article or displays or has a tendency, disposition, or propensity, as determined by the town enforcement agent, to:

1. Injure, bite, attack, chase, or charge, or attempt to injure, bite, attack, chase, or charge a person or domestic animal in a threatening manner; or
2. Bare its teeth or approach a person or domestic animal in a threatening manner.

B. A dangerous animal does not include an animal used in law enforcement, nor does this article apply to animals in custody of zoos or wild animal parks, animals placed in animal shelters, animals under the care of veterinarians, or wild animals.

Section 6-2-4 Declaring an Animal Dangerous; notice

A. Camp Verde Animal Control shall develop guidelines to determine if an animal is a dangerous animal.

B. Whenever an animal control officer has reason to believe an animal may be dangerous, an evaluation of the animal shall be conducted.

C. If Camp Verde Animal Control declares that an animal is dangerous; the owner shall be notified and issued an order of compliance. Once an animal is declared dangerous, the animal is dangerous until a hearing officer or judge determines otherwise. If the owner is known, the owner shall be provided with a written notice of the owner's right to file, within five days of receipt of the notice, a written request with animal control for a hearing to determine if the animal is dangerous. If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and notice (including notice that the animal could be destroyed if the owner fails to appear at the hearing) shall be posted on the owner's property or mailed forthwith to the owner at the owner's last known address by registered or certified mail, return receipt requested.

Section 6-2-5 Hearing; burden of proof; appeal

A. The owner of the animal may request a hearing to contest the declaration of dangerousness or contest the confinement conditions ordered by animal control.

B. If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to animal control to be humanely destroyed.

C. If the owner of a non-impounded animal fails to appear at a hearing or fails to request a hearing, the animal is declared to be dangerous and the order of compliance shall remain in effect.

D. After request for a hearing, Animal Control shall set a hearing date within five working days at a time and place designated by the animal control officer or town enforcement agent. The hearing shall be conducted by a hearing officer selected by Animal Control.

E. The hearing shall be held in an informal manner and a record thereof shall be made by stenographic transcription or by electronic tape recording. The rules of evidence do not apply, and hearsay is admissible.

F. It is the burden of the owner of the animal to establish by a preponderance of the evidence that the animal is not dangerous. The owner may be represented by counsel and present witnesses at the owner's cost.

G. The hearing officer shall make a written decision within five working days of the hearing and notify the owner of the animal of the decision.

H. If the decision of dangerousness is sustained by the hearing officer, the owner of the animal shall obey the order of compliance issued by the enforcement agent within the time given by the order of compliance or ten days whichever is more.

I. If the animal is found not to be dangerous, the order of compliance is null and void. The finding that an animal is not dangerous does not prevent Camp Verde Animal Control or other town enforcement agent from declaring an animal dangerous again if the agent has additional reasons to believe the animal is dangerous after a new evaluation of the animal is conducted.

J. Appeal of the decision of the hearing officer shall be by way of special action to the Superior Court on the record of the hearing. If either party claims the record to be incomplete or lost, and the hearing officer who conducted the hearing so certifies, a new hearing shall be conducted before that officer. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than thirty days after the decision.

Section 6-2-6 Order of Compliance

A. When an animal is declared dangerous, animal control shall issue an order of compliance requiring the owner within thirty days to:

1. Confine the animal sufficiently to prevent the animal's escape as follows:

   a. The animal control officer shall determine the appropriate fencing requirements for the size and nature of the animal. The animal control officer may require a fence including gates to be six feet in height; the fence from five feet in height to six feet in height to incline to the inside of the confinement area at a forty-five degree angle from the vertical; or that the confinement area be wholly covered by a material strong enough to keep the animal from escaping.

   b. The animal control officer may require the bottom of the confinement area to be concrete, cement or asphalt, or of blocks or bricks set in concrete or cement; or if such bottom is not provided then a footing of such material shall be placed along the whole perimeter of the confinement area to the depth of one foot below ground level, or deeper if required by the animal control officer.

   c. The gates of the confinement area shall be locked at all times with a padlock except while entering or exiting.

   d. The animal control officer may require temporary confinement measures until the order of compliance has been obeyed or the hearing officer determines that the animal is not dangerous. If the owner does not immediately comply with the temporary confinement requirements, the animal shall be impounded.

2. Muzzle and restrain the animal outside the confinement area with a leash, chain, rope or similar device not more than six feet in length sufficient to restrain the animal and under the control of a person capable of preventing the animal from engaging in any prohibited behavior.
3. Post a sign on every gate or entry way to the confinement area stating "Beware of Dangerous Animal, Per Camp Verde Animal Control Code Chapter 6."
4. Obtain and maintain liability insurance in a single incident amount of one hundred thousand dollars ($100,000) to cover any damage or injury that may be caused by the dangerous animal. The animal control officer shall maintain a registry of the animals, owners and insurance carrier for each dangerous animal.
5. Pay the reasonable cost to animal control to tattoo the animal with an identification number or have an identification chip implanted in the animal. The animal control officer shall maintain a registry of such numbers and the owners of the animals.
6. Have a licensed veterinarian spay or neuter the animal at the owner's expense. The owner shall obtain written certification signed by the veterinarian that the spaying or neutering has been performed.

Section 6-2-7 Consent to inspection; Inspection; Order of compliance; seizure

A. By continuing to own an animal declared dangerous, an owner gives consent to the Camp Verde Animal Control or any law enforcement officer to inspect the animal declared dangerous, the premises where the animal is kept, the liability insurance documents required for the animal, and the veterinarian's certificate of spaying or neutering for the animal.

B. The animal control officer may seize and impound the dangerous animal if the owner fails to obey the order of compliance. Five days after the seizure, the animal control officer may humanely destroy the animal unless the owner has demonstrated obedience to the order of compliance. The owner of the animal is responsible for any impound fees. If the owner of the animal demonstrates proof that the order of compliance has been obeyed, then the animal will be returned to the owner after payment of impound fees. Any action under this article shall be in addition to any available penalties.

Section 6-2-8 Required acts and unlawful activities

A. An owner of an animal declared dangerous shall obey the order of compliance.

B. An owner of an animal declared dangerous shall not sell, give away, abandon, or otherwise dispose of the animal without notifying Camp Verde Animal Control in writing in advance.

C. An owner of an animal declared to be dangerous shall provide proof of liability insurance and the veterinarian's certificate of spaying or neutering to Animal Control upon demand.

D. An owner of an animal declared to be dangerous shall not prevent or try to prevent inspection of the animal or the premise where the animal is kept.

E. When the owner of an animal is notified that Camp Verde Animal Control is evaluating an animal or wants to evaluate an animal to determine if the animal is dangerous, the owner of the animal shall present the animal for inspection within twenty-four hours of a request by Animal Control. The owner shall not sell, give away, hide, or otherwise prevent animal control from making an evaluation of the animal.

F. The owner of an animal declared to be dangerous shall prevent the animal from running at large as defined in this chapter.

G. The owner of an animal declared to be dangerous shall prevent the animal from biting, injuring, or attacking any person or domestic animal outside of the confinement area.

Section 6-2-9 Minimum Penalties; enhancement

A. Whenever in this article any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do an act is declared to be unlawful, the violation of such provision is a misdemeanor punishable, except for the penalties already set forth herein, by a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) and/or by imprisonment of not more than six months. The judge may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed. In addition, a person may be placed on probation for not more than three years. The permitted fines set forth in this Section shall not be construed in any way to require only the imposition of the minimum mandatory penalties provided herein.

B. Each day any violation continues or occurs shall constitute a separate offense.

Section 6-2-10 Authority to Enforce, Remove and Impound

A. Authority to enforce

Any peace officer or Camp Verde Animal Control Officer or other designated town enforcement agent is hereby authorized and empowered to enforce the provisions of this chapter and to issue citations for violations thereof. Camp Verde Animal Control shall have primary responsibility for the enforcement of this chapter.

B. Authority to Impound

1. If a peace officer or a Camp Verde Animal Control Officer or other designated town enforcement agent has issued a citation for a violation of this chapter or of the Arizona Revised Statutes, and reasonably believes that the violation will continue, the officer is authorized and empowered to remove and impound the animal.
2. The owner of any animal removed and impounded under the provisions of this chapter shall be liable for any impoundment, boarding, or veterinary fees incurred in connections therewith.

CHAPTER 7

BUILDING

Article 7-1

ADOPTION OF THE 2003 INTERNATIONAL CODE COUNCIL CODES, (ICC)

AND RELATED PUBLIC CODES

Pursuant to ARS §9-802, as may be amended, the Town hereby adopts for application and enforcement for all construction within Town limits the following codes heretofore in existence, together with all future amendments, revisions, and modifications as issued by the respective publishing agencies.

1. **2003 International Code Council Code Standards**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

2. **2003 International Fire Code**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

3. **2003 International Fuel Gas Code,** published by the International Code Council, Incorporated (ICC), 2003 Edition.

4. **2003 International Mechanical Code**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

5. **2003 International Property Maintenance Code**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

6. **2003 International Private Sewage Disposal Code**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

7. **2002 National Electrical Code**, published by the National Fire Protection Association, 2002 Edition.

8. **2003 International Residential Code**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

9. **National Fire Protection Association Standards**, published by the International Code Council, Incorporated (ICC), 2003 Edition.

10. **2003 International Building Code ASTM Referenced Standards**, published by the American Society for Testing & Materials, 2003 Edition.

11. **AND AMENDMENTS**

The effective date of the ordinance shall be April 2, 2004, after which all new construction and work in progress shall meet the standards set forth in the ICC and the above-related codes.

The Town Council shall adopt fee schedules for inspection and certification under the codes from time to time, upon recommendation of the Community Development Director.

At least three (3) copies of the ICC and the above codes, and any future amendments or revisions, shall be kept on file in the Community Development Department. All copies shall be readily available for inspection, including any supplementary pamphlets or explanatory booklets for distribution to the public.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of any standard or provision of the UBC and above related codes, including their subsequent revisions and modifications. Violations for a first offense, per site or per person, shall be a petty offense and for any second or subsequent offense committed within twelve (12) months of any prior citation or conviction, a class 2 misdemeanor.

In addition to the criminal penalties, the Court, upon conviction, may order abatement or removal of the construction, and issue appropriate injunctive relief. The Director of Community Development shall issue no final certificate of occupancy until the construction or action described in this paragraph has been inspected and shown to meet all ICC and related code requirements, and all fees to the Town paid.

The Building Official, as defined in Article 7-4, shall be the administrative authority duly appointed to enforce these codes.

Article 7-2

ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Pursuant to ARS §9-802 (as amended), the Town hereby adopts for application and enforcement for all structures within the Town limits the Uniform Code for the Abatement of Dangerous Buildings (International Conference of Building Officials, 1994), a code which has been previously published as set forth in ARS §9-801, as may be amended, together with all future amendments, revisions, and modifications as issued by the publishing agency. The enforcement provisions of the abatement code include the right of the proper officials to enter and inspect the property, order an abatement, cause the demolition of the structures declared to be a dangerous building and recover the costs by liens and personal assessments on the property owners, which shall be to the Board of Appeals. The Director of Community Development shall be the administrative authority duly appointed to enforce these codes.

Article 7-3

CONFORMANCE WITH ZONING ORDINANCE

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the zoning ordinance of Camp Verde in addition to the provisions of this chapter.

Article 7-4

BUILDING OFFICIAL

The building official and administrative authority, as such may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical, or any other inspections, shall be vested in the office of the Town Manager or his designee, provided that the manager or the Council may authorize such deputies as needed to perform any inspection work or other functions that may be required by this chapter.

Article 7-5

ROAD SPECIFICATIONS AND DETAILS

That certain document entitled "Uniform Standard Specifications" and that certain document entitled "Uniform Standard Details" as published by the Maricopa Association of Governments, are hereby adopted as the Town road standards and made a part of this chapter as though said documents were specifically set forth in full herein.

Article 7-6

STREET NAMING AND ADDRESSING

A. In accordance with Ordinance 2001 A193, street names should be appropriate and easy to read so that children in particular can pronounce the name in an emergency situation. Street names are subject to review and prior approval of the reviewing officer pursuant to the procedures provided in the Street Naming and Addressing Guidelines. New Streets must be named from a pool of historical locations, pioneer family names, local brands and native vegetation that is approved and updated by the Town Council and is available at the Community Development Department. A list of historical street names shall be submitted by staff to the Council for review and approval as required, but not less frequently than every six (6) months. The applicant also has the option of submitting a list of alternate street names along with the Preliminary Plat for possible approval by the Council.

B. This program is hereby declared the only legal addressing system for the incorporated areas within the Town.

C. Any person who fails to comply with the addressing requirements of this article within thirty days of initial notification by the addressing official shall be subject to a petty offense for the first offense, and a Class 3 Misdemeanor for a second or subsequent offense as to the same property. Each day the property is not in

compliance may constitute a separate offense. "Person" includes the property owner, occupant, or any persons having control over the use of the property.

Article 7-7

ENFORCEMENT PROCEDURES FOR VIOLATIONS

OF ZONING AND BUILDING CODES

A. **Designation of Civil Offense**. Violations of zoning and code ordinances of the Town may be filed under the civil enforcement procedures and are declared to be civil offenses. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.

B. **Hearing Officer.** The Council shall periodically appoint a hearing officer to hear and determine zoning and code violations under the civil violation procedure. The hearing officer shall not be an employee or member of any Town board or commission.

C. **Filing a complaint**. Civil complaints shall be filed using either the uniform Arizona Traffic Ticket and Complaint form, or one substantially similar, which shall cite to this ordinance as well as the particular subsection of the zoning or code ordinance applicable to the alleged violation. Each subsection of the ordinance cited in the complaint shall be deemed a separate offense. Complaints may be sworn to any building inspector or zoning code officer for the Town. The citation shall contain the date and time of the alleged violation, and direct the defendant to appear before the Hearing Officer at the specified time to enter a plea either admitting or denying the complaint. Citations will be served by personal delivery upon the defendant by the responsible inspector or code enforcement officer, or by registered mail together with a summons, in the manner set forth in rule 3.4, Rules of Criminal Procedure. The citation will state that if the defendant fails to appear, the hearing officer will enter a default judgment against him in favor of the State, and impose sanctions not to exceed $250 for each alleged violation. Subpoenas for witnesses shall be prepared and signed at the request of either the defendant or the State, and served by personal service, certified mail, or first class mail, pursuant to ARS 13-4072, as may be amended.

D. **Hearing Procedures**. Unless otherwise modified therein, civil enforcement procedures herein shall follow the Arizona Rules of Court for Civil Traffic Violations. The Town Attorney will present evidence of the charges in the complaint. The defendant may present evidence *pro per* or through counsel. The defendant will not have a right to a jury trial. If the hearing officer finds that the charges are proven by a preponderance of the evidence, judgment shall be entered against the defendant for the State, and sanctions imposed up to $250 per offense. If the hearing officer finds the charges not proven, the case shall be dismissed. Any sanction shall be imposed immediately, without setting a sentencing date or probationary period, except that the hearing officer may allow the defendant a time to pay the sanction not more than 30 days from the hearing date.

E. **Appeals**. The defendant may appeal the decision of the hearing officer to the Town Magistrate, pursuant to ARS 22-402.B, as may be amended, who shall conduct a review of the matter limited to whether the ordinance or code has been correctly interpreted or applied by the component. It shall not be a trial *de novo* unless the Court determines that the records are insufficient, or there is no record preserved. A record for

purposes of this section consists of audio tape recordings, any written rulings of the Hearing Officer, and exhibits admitted at the hearing. Further appeal to the Superior Court, either pursuant to the civil traffic rules or through ARS 12-124.A, as may be amended, is hereby granted, but may be discretionary with the Court.

Article 7-8

PLACEMENT OF UTILITIES UNDERGROUND AND ESTABLISHING A PERMIT

A. Definitions:

Developer shall be deemed to be any individual, firm, corporation, partnership, association, syndication, trust, governmental agency, or other legal entity that is responsible for the development or redevelopment of land that created any demand for any utility service or causes alteration of existing utility services, other than the serving utility.

Existing utility system means such poles, structures, wires, cables transformers, and other related facilities that are in place and in operation within 90 days of the effective date of this ordinance, or improvements or changes hereinafter made to maintain service capabilities or exiting facilities and utility drops, but it does not include extensions made to existing distribution lines.

New utility system means such poles and structures, wires, cables, transformers, and all other related facilities used in or as a part of the distribution or transmission of electricity, telephone, telegraph, radio, internet, or television communications that are not in place as of the effective date of this ordinance, or new extensions made from existing poles and wires.

Service drop refers to that line which extends from the service utility's existing utility system and connects to the individual customer who is the ultimate user of that service.

B. Permit for above Ground Installation. After the effective date of this ordinance, no developer shall erect any new utility system, nor relocate an existing utility system, within Town limits above the surface of the ground, whether along streets or over individual lots or parcels of the development, unless a special permit described herein is first granted by the Town. The undergrounding requirements herein shall apply regardless of the existence or availability of easements for overhead lines. The developer shall be required to comply with any underground policy of the utility, and undergrounding shall be completed and approved prior to any occupancy of the project. If poles are removed which include streetlights, the streetlights will be replaced by the developer at its cost with freestanding poles and luminaries approved by the Town. In the event the utility company adds new poles or lines as a system upgrade or power line extension, it shall be considered the developer, and pay any undergrounding costs. In cases where utility lines are required to be placed underground due to a combination of needs generated by (re) development, utility system upgrade, and governmental improvement projects, there shall be an equitable sharing of the cost of that undergrounding effort between the Town or governmental agency, utility, and developer.

C. Exemptions. This ordinance shall not apply to transmission or feeder lines having a voltage rating greater than 12,500 volts; switchyards and substations utilized in a new utility system; pad-mounted transformers, cabinets, pull boxes, and similar on-the-ground equipment; temporary service equipment for

emergency services, special events, or construction sites; service drops from existing overhead lines, unless underground service is required under municipal or state subdivision statutes or codes; or normal maintenance and repairs of existing utility systems.

D. Special Permits. A special permit to waive the underground requirements of this ordinance may be issued by the Town. Granting of a special permit is rare and shall not undermine the purpose of the ordinance. Cost disparity in itself shall not constitute grounds for issuance of a special permit. A request for the special permit shall be filed with the Community Development Director for approval. If the permit is denied, the applicant may file a request for review with the Planning & Zoning Commission for their recommendation. The final decision on an appeal shall be with the Town Council.

E. Permits. Developers shall be required to submit a written application to obtain a construction permit for undergounding of facilities as part of the permit process. The content of the permit shall be established from time-to-time by the Community Development Director and/or Director of Public Works/Town Engineer, but shall include as a minimum:

_ Plot plans to scale showing the proposed location of the underground facilities, cross-sections of the below grade areas, and other information necessary to properly identify and record the work

_ Roadway cut permits from the Town or ADOT, and a traffic control plan, if needed

_ Performance bonds and insurance

CHAPTER 7

BUILDING

ARTICLE 7-9

STORMWATER PROTECTION

7-9-1 PURPOSE

7-9-2 DEFINITIONS

7-9-3 APPLICABILITY

7-9-4 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

7-9-5 SEVERABILITY

7-9-6 DISCHARGE PROHIBITIONS AND EXEMPTIONS

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7-9-8 CONSTRUCTION SITES

7-9-9 POST-CONSTRUCTION

7-9-10 CLEANUP AND NOTIFICATION REQUIREMENTS

7-9-11 INSPECTIONS

7-9-12 ENFORCEMENT AND PENALTIES

SECTION 7-9-1 PURPOSE

THIS ARTICLE SETS FORTH THE REQUIREMENTS FOR THE CONTROL OF POLLUTANTS THAT ARE OR MAY BE DISCHARGED TO THE PUBLIC STORM DRAIN SYSTEM. THE PURPOSE OF THIS ARTICLE IS TO ENABLE THE TOWN TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS RELATED TO STORM WATER MANAGEMENT, INCLUDING BUT NOT LIMITED TO, THE CLEAN WATER ACT (33 UNITED STATES CODE 1251 ET SEQ.) THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM REGULATIONS (40 CODE OF FEDERAL REGULATIONS PART 122), AND THE TOWN'S ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) PERMIT (ARIZONA ADMINISTRATIVE CODE R18-19-A902).

SECTION 7-9-2 DEFINITIONS

FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND TERMS SHALL BE DEFINED AS FOLLOWS:

A. *ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)* MEANS THE STATE AGENCY CHARGED WITH ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

B. *ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) STORM WATER PERMIT* MEANS A PERMIT ISSUED BY ADEQ WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO ARIZONA ADMINISTRATIVE CODE R18-9-A902, WHICH INCORPORATES 40 CODE OF FEDERAL REGULATIONS § 122.32.

C. *BEST MANAGEMENT PRACTICES (BMPS)* MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS TO STORM WATER. BMPS ALSO INCLUDE TREATMENT REQUIREMENTS, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WASTE DISPOSAL, OR DRAINAGE FROM OUTDOOR STORAGE AREAS.

D. *CLEAN WATER ACT* MEANS THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, 22 UNITED STATES CODE 1251 ET SEQ.

E. *ENGINEER* MEANS THE TOWN ENGINEER.

F. *DISCHARGE* MEANS ANY SPILLING, LEAKING, PUMPING, POURING, EMITTING, EMPTYING, INJECTING, PLACING, RELEASING, LEACHING, DUMPING, OR DISPOSING INTO OR ON ANY LAND IN A MANNER THAT MAY CAUSE POLLUTION.

G. *ENVIRONMENTAL PROTECTION AGENCY (EPA)* MEANS THE FEDERAL AGENCY CHARGED WITH ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

H. *NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT* MEANS A PERMIT ISSUED BY EPA WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO THE CLEAN WATER ACT § 402 (33 U.S.C. § 1342).

I. N*OTICE OF INTENT (NOI)* MEANS A FORM SUBMITTED TO ADEQ NOTIFYING OF PERSON'S INTENT TO BE COVERED UNDER A SEPARATE AZPDES STORM WATER PERMIT, AS REQUIRED BY FEDERAL AND STATE LAW.

J. *PERSON* MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY; OR THEIR LEGAL REPRESENTATIVES, AGENTS, OR ASSIGNS.

K. *POLLUTANT* SHALL HAVE THE SAME MEANING AS DEFINED IN 40 C.F.R. § 122.2, AND INCLUDES BUT IS NOT LIMITED TO ANY SOLID, LIQUID, GAS, OR OTHER SUBSTANCE THAT CAN ALTER THE PHYSICAL OR CHEMICAL PROPERTIES OF WATER INCLUDING, BUT NOT LIMITED TO FERTILIZERS, SOLVENTS, SLUDGE, PETROLEUM AND PETROLEUM PRODUCTS, SOLID WASTE, GARBAGE, BIOLOGICAL MATERIALS, RADIOACTIVE MATERIALS, SAND, DIRT, ANIMAL WASTE, ACIDS, AND BASES.

L. *PREMISES* MEANS ANY BUILDING, LOT, PARCEL, REAL ESTATE, LAND, OR PORTION OF LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING ADJACENT SIDEWALKS AND PARKING STRIPS.

M. *PUBLIC STORM DRAIN SYSTEM* MEANS ALL OR ANY PART OF THE PUBLICLY-OWNED AND MAINTAINED ROADS, STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, MAN-MADE CHANNELS, STORM DRAINS, AND DRY WELLS LOCATED WITHIN PUBLIC EASEMENTS, RIGHT-OF-WAY, PARKS, COMMON AREAS, RETENTION AREAS, OR OTHER PUBLICLY-OWNED OR MAINTAINED REAL PROPERTY DESIGNED OR USED FOR COLLECTING, HOLDING, OR CONVEYING STORM WATER.

N. *STORM WATER* MEANS STORM WATER RUNOFF, SURFACE RUNOFF, AND DRAINAGE.

SECTION 7-9-3 APPLICABILITY

THIS ARTICLE SHALL APPLY TO ALL WATER ENTERING THE STORM DRAIN SYSTEM GENERATED ON ANY DEVELOPED AND UNDEVELOPED LANDS UNLESS EXPLICITLY EXEMPTED BY AN AUTHORIZED ENFORCEMENT AGENCY.

SECTION 7-9-4 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

THE TOWN ENGINEER IS DELEGATED THE AUTHORITY TO EXERCISE THE POWERS AND PERFORM THE DUTIES SET FORTH IN THIS ARTICLE AND TO ADMINISTER AND ENFORCE PROVISIONS OF THIS ARTICLE. THE ENGINEER MAY DESIGNATE OTHER EMPLOYEES TO EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES, AS HE DEEMS APPROPRIATE.

SECTION 7-9-5 SEVERABILITY

IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION OF THIS ORDINANCE OR ANY PART OF THE CODE ADOPTED HEREIN BY REFERENCE, IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL BY THE DECISION OF ANY COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS THEREOF.

SECTION 7-9-6 DISCHARGE PROHIBITIONS AND EXEMPTIONS

A. UNLESS EXPRESSLY AUTHORIZED OR EXEMPTED BY THIS ARTICLE, NO PERSON SHALL CAUSE OR ALLOW THE DISCHARGE TO A PUBLIC RIGHT-OF-WAY OR PUBLIC STORM DRAIN SYSTEM OF ANY SUBSTANCE THAT IS NOT COMPOSED ENTIRELY OF STORM WATER.

B. UNLESS EXPRESSLY AUTHORIZED OR EXEMPTED BY THIS ARTICLE, NO PERSON SHALL USE, STORE, SPILL, DUMP, OR DISPOSE OF MATERIALS IN A MANNER THAT THOSE MATERIALS COULD CAUSE OR CONTRIBUTE TO THE ADDITION OF POLLUTANTS TO STORM WATER.

C. EXEMPTIONS. THE FOLLOWING DISCHARGES ARE EXEMPT FROM THE PROHIBITIONS SET FORTH IN SUBSECTIONS (A) AND (B) OF THIS SECTION:

1. DISCHARGES AUTHORIZED BY A SEPARATE NPDES OR AZPDES PERMIT.

2. THE FOLLOWING CATEGORIES OF NON-STORM WATER DISCHARGES ARE PERMISSIBLE UNLESS OTHERWISE PROHIBITED UNDER SUBSECTIONS (C)(3), (C)(4) OR (C)(5):

   A. WATER LINE FLUSHING,

   B. LANDSCAPING IRRIGATION,

   C. DIVERTED STREAM FLOWS,

   D. RISING GROUNDWATERS,

   E. UNCONTAMINATED GROUNDWATER INFILTRATION AS DEFINED IN 40 C.F.R. § 35.2005(20),

   F. UNCONTAMINATED PUMPED GROUNDWATER,

   G. DISCHARGES FROM POTABLE WATER SOURCES,

   H. FOUNDATION DRAINS,

   I. AIR CONDITIONING CONDENSATION,

   J. IRRIGATION WATER,

   K. SPRINGS,

   L. WATER FROM CRAWL SPACE PUMPS,

   M. FOOTING DRAINS,

   N. LAWN WATERING,

   O. INDIVIDUAL RESIDENTIAL CAR WASHING,

   P. FLOWS FROM RIPARIAN HABITATS AND WETLANDS,

   Q. DE-CHLORINATED SWIMMING POOL DISCHARGES,

   R. DISCHARGES FROM EMERGENCY FIRE FIGHTING ACTIVITY,

   S. DUST CONTROL WATERING; OR

   T. ANY OTHER ACTIVITY THAT THE ENGINEER IDENTIFIES IS NOT A SIGNIFICANT CONTRIBUTOR OF POLLUTANTS DURING THE TOWN'S AZPDES STORM WATER PERMIT TERM. (40 C.F.R. § 122.34(B)(3)(III)).

3. NO PERSON SHALL DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM ANY EXEMPTED DISCHARGE UNDER THIS SUBSECTION IF THE ENGINEER OR ASSIGNED DESIGNEE IDENTIFIES AND PROVIDES WRITTEN NOTICE TO THE PERSON THAT THE DISCHARGE HAS THE POTENTIAL TO BE A SOURCE OF POLLUTANTS TO RECEIVING WATERS, WATERWAYS, OR GROUNDWATER.

4. NO PERSON SHALL DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM THAT WOULD RESULT IN OR CONTRIBUTE TO A VIOLATION OF THE AZPDES STORM WATER PERMIT ISSUED TO THE TOWN. LIABILITY FOR ANY SUCH DISCHARGE SHALL BE THE RESPONSIBILITY OF THE PERSON CAUSING OR RESPONSIBLE FOR THE DISCHARGE.

5. NO PERSON SHALL ESTABLISH, USE, MAINTAIN, OR CONTINUE ANY CONNECTION TO THE PUBLIC STORM DRAIN SYSTEM, WHICH HAS CAUSED OR IS LIKELY TO CAUSE A VIOLATION OF THIS SECTION.

SECTION 7-9-7 OPERATING FACILITIES OR ACTIVITIES

A. ALL PERSONS OWNING OR OPERATING PREMISES OR ENGAGED IN ACTIVITIES WHO ARE REQUIRED BY FEDERAL OR STATE LAW TO SUBMIT TO EPA AND/OR ADEQ A NOTICE OF INTENT (NOI) TO COMPLY WITH AN NPDES OR AZPDES STORM WATER PERMIT SHALL PROVIDE A COPY OF SUCH NOTICE TO THE ENGINEER UPON REQUEST. FACILITIES REQUIRED TO APPLY FOR A STORM WATER PERMIT ARE IDENTIFIED IN 40 C.F.R. 122.26(B)(14).

B. ALL PERSONS ENGAGED IN ACTIVITIES WHICH WILL OR MAY REASONABLY BE EXPECTED TO RESULT IN POLLUTANTS ENTERING THE PUBLIC STORM DRAIN SYSTEM SHALL UNDERTAKE BEST MANAGEMENT PRACTICES (BMPS) TO MINIMIZE SUCH POLLUTANTS, SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM AND COMPLY WITH THE CLEANUP AND NOTIFICATION REQUIREMENTS OF THIS ARTICLE. SUCH MEASURES SHALL INCLUDE THE REQUIREMENTS IMPOSED BY FEDERAL, STATE, COUNTY, OR LOCAL AUTHORITIES. BMPS ARE SITE-SPECIFIC AND ARE DESCRIBED IN THE DOCUMENT "STORMWATER MANAGEMENT FOR INDUSTRIAL ACTIVITIES: DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" (EPA 832-R-92-006) OR OTHER GUIDANCE DOCUMENTS AVAILABLE FROM EPA AND/OR ADEQ.

C. IF A BEST MANAGEMENT PRACTICE IS REQUIRED BY THE ENGINEER TO PREVENT A POLLUTANT FROM ENTERING THE PUBLIC STORM DRAIN SYSTEM, THE PERSON RECEIVING THE NOTICE OF SUCH A REQUIREMENT MAY PETITION THE ENGINEER TO RECONSIDER THE APPLICATION OF THE BMP TO THE PREMISES OR ACTIVITY. THE WRITTEN PETITION MUST BE RECEIVED WITHIN TEN (10) WORKING DAYS SETTING FORTH ANY REASONS AND PROPOSED ALTERNATIVES. THE ENGINEER WILL ACT WITHIN THIRTY (30) DAYS OF THE PETITION.

SECTION 7-9-8 CONSTRUCTION SITES

A. ALL PERSONS ENGAGED IN CONSTRUCTION ACTIVITIES WHO ARE REQUIRED BY FEDERAL OR STATE LAW TO SUBMIT TO EPA AND/OR ADEQ A NOTICE OF INTENT TO COMPLY WITH AN NPDES OR AZPDES STORM WATER PERMIT, SHALL PROVIDE THE TOWN WITH COPIES OF THE NOI AND THE NPDES STORM WATER PERMIT ISSUED BY ADEQ. CONSTRUCTION ACTIVITIES THAT WILL DISTURB ONE ACRE OR MORE OF LAND AREA OR SMALLER LAND AREAS IF THEY ARE PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE ARE REQUIRED TO APPLY FOR A STORM WATER PERMIT (40 C.F.R. 122.26(B)(15).

B. ANY PERSON PERFORMING CONSTRUCTION SHALL NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF THE AZPDES STORM WATER PERMIT ISSUED TO THE TOWN. LIABILITY FOR ANY SUCH DISCHARGE SHALL BE THE RESPONSIBILITY OF THE PERSON CAUSING OR RESPONSIBLE FOR THE DISCHARGE. ANY PERSON PERFORMING CONSTRUCTION SHALL UNDERTAKE BEST MANAGEMENT PRACTICES TO MINIMIZE POLLUTANTS (INCLUDING SEDIMENTS) FROM LEAVING THE CONSTRUCTION SITE, SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM, AND COMPLY WITH THE CLEANUP AND NOTIFICATION REQUIREMENTS OF THIS ARTICLE. SITE OPERATOR SHALL ENSURE EROSION AND SEDIMENT CONTROL AND CONTROL WASTE AND PROPERLY DISPOSE OF WASTES, SUCH AS DISCARDED BUILDING MATERIALS, CONCRETE TRUCK WASHOUT, CHEMICALS, LITTER, AND SANITARY WASTE AT THE CONSTRUCTION SITE THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY. SUCH MEASURES SHALL INCLUDE THE REQUIREMENTS IMPOSED BY FEDERAL, STATE, COUNTY, OR LOCAL AUTHORITIES. BMPS ARE SITE-SPECIFIC AND ARE DESCRIBED IN THE DOCUMENT "STORMWATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES: DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" (EPA 832-R-92-005) OR OTHER GUIDANCE DOCUMENTS AVAILABLE FROM EPA AND/OR ADEQ.

C. IF A BEST MANAGEMENT PRACTICE IS REQUIRED BY THE ENGINEER TO PREVENT A POLLUTANT FROM ENTERING THE PUBLIC STORM DRAIN SYSTEM, THE PERSON RECEIVING THE NOTICE OF SUCH A REQUIREMENT MAY PETITION THE ENGINEER TO RECONSIDER THE APPLICATION OF THE BMP TO THE PREMISES OR ACTIVITY. THE WRITTEN PETITION MUST BE RECEIVED WITHIN TEN (10) WORKING DAYS SETTING FORTH ANY REASONS AND PROPOSED ALTERNATIVES. THE ENGINEER WILL ACT WITHIN THIRTY (30) DAYS OF RECEIPT OF THE PETITION.

SECTION 7-9-9 POST-CONSTRUCTION

PROPERTY OWNERS OR OPERATORS SHALL ENSURE LONG-TERM OPERATION AND MAINTENANCE OF POST-CONSTRUCTION STORM WATER RUNOFF CONTROL MECHANISMS, SUCH AS RETENTION BASINS, DRY WELLS AND OTHER MEASURES DESCRIBED IN 40 C.F.R. § 122.34(B)(5)(III).

SECTION 7-9-10 CLEANUP AND NOTIFICATION REQUIREMENTS

A. AS SOON AS ANY OWNER OR OPERATOR HAS ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF ANY DISCHARGE WHICH MAY RESULT IN POLLUTANTS ENTERING THE PUBLIC STORM DRAIN SYSTEM, SUCH PERSON SHALL PROMPTLY TAKE ALL NECESSARY STEPS TO ENSURE THE DISCOVERY OF THE SOURCE AND THE EXTENT AND PROCEED WITH CONTAINMENT AND CLEANUP OF SUCH DISCHARGE.

B. THE OWNER OR OPERATOR SHALL NOTIFY THE ENGINEER OF THE DISCHARGE IN BOTH OF THE FOLLOWING MANNERS:

1. BY TELEPHONE AS SOON AS PRACTICAL OR BY CALLING 9-1-1 IF HAZARDOUS MATERIALS ARE INVOLVED; AND

2. BY WRITTEN REPORT IDENTIFYING THE DISCHARGE SOURCE, EXTENT, POLLUTANT, MEASURES TAKEN TO MITIGATE THE DISCHARGE, AND PREVENTATIVE MEASURES PUT IN PLACE TO PREVENT A SUBSEQUENT DISCHARGE.

SECTION 7-9-11 INSPECTIONS

A. AUTHORITY TO INSPECT. UPON PRESENTATION OF CREDENTIALS AND AT ALL REASONABLE OR NECESSARY HOURS, ALL AUTHORIZED EMPLOYEES OF THE TOWN SHALL HAVE ACCESS TO ALL PREMISES AND TO ALL RECORDS PERTAINING TO THOSE PREMISES FOR PURPOSES OF ENSURING COMPLIANCE WITH THIS ARTICLE. INSPECTION, INTERVIEWING, COPYING, SAMPLING, PHOTOGRAPHING, AND OTHER ACTIVITIES CONDUCTED ON THE PREMISES SHALL BE LIMITED TO THOSE WHICH ARE REASONABLY NEEDED BY THE TOWN IN DETERMINING COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE. ALL PERSONS SHALL ALLOW SUCH ACTIVITIES UNDER SAFE AND NON-HAZARDOUS CONDITIONS WITH A MINIMUM OF DELAY.

B. MONITORING ACTIVITIES. THE ENGINEER MAY ORDER ANY PERSON ENGAGED IN ANY ACTIVITY OR OWNING OR OPERATING A BUSINESS OR ENTERPRISE ON ANY PREMISES WHICH MAY CAUSE OR CONTRIBUTE TO DISCHARGES OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM IN VIOLATION OF THIS ARTICLE OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION TO UNDERTAKE SUCH MONITORING ACTIVITIES AND ANALYSES AND FURNISH SUCH REPORTS AS THE ENGINEER REASONABLY MAY SPECIFY. THE COSTS OF SUCH ACTIVITIES, ANALYSES, AND REPORTS SHALL BE BORNE BY THE RECIPIENT OF THE ORDER.

C. ACCESS REFUSAL. IF AN AUTHORIZED EMPLOYEE OF THE TOWN HAS BEEN REFUSED ACCESS TO ANY PREMISES, AND IS ABLE TO DEMONSTRATE PROBABLE CAUSE TO BELIEVE THAT THERE MAY BE A VIOLATION OF THIS ARTICLE, OR THAT THERE IS A NEED TO INSPECT, INTERVIEW, COPY, PHOTOGRAPH OR SAMPLE AS PART OF AN INSPECTION AND SAMPLING PROCEDURE OF THE TOWN DESIGNED TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE OR ANY

RELATED LAWS OR REGULATIONS, OR TO PROTECT THE ENVIRONMENT AND THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY, THEN THE ENGINEER MAY SEEK ISSUANCE OF A SEARCH WARRANT FROM THE TOWN MUNICIPAL COURT.

SECTION 7-9-12 ENFORCEMENT AND PENALTIES

A. **CHARGES.** CHARGES LEVIED PURSUANT TO THIS ARTICLE SHALL BE COLLECTED BY THE PUBLIC WORKS DEPARTMENT. THE ENGINEER SHALL MANAGE THE TOWN'S STORM DRAIN SYSTEM.

B. **OWNER OF RECORD.** THE OWNER OF RECORD OF THE PROPERTY UPON WHICH A VIOLATION OF THIS ARTICLE OCCURS SHALL BE PRESUMED TO BE A PERSON HAVING LAWFUL CONTROL OVER THE ACTIVITY OR PREMISES UNLESS IT IS DEMONSTRATED THAT ANOTHER PERSON HAS KNOWINGLY AND IN GOOD FAITH ACCEPTED RESPONSIBILITY FOR THE ACTIVITY AT ISSUE. IF MORE THAN ONE PERSON IS IDENTIFIED AS THE OWNER, SUCH PERSONS SHALL BE PRESUMED TO BE JOINTLY AND SEVERALLY IN LAWFUL POSSESSION AND CONTROL OF THE ACTIVITY OR PREMISES.

C. **NOTICE OF VIOLATION.** THE ENGINEER MAY ISSUE A WRITTEN NOTICE OF VIOLATION TO ANY PERSON WHO HAS VIOLATED OR IS IN VIOLATION OF THIS ARTICLE. FAILURE TO COMPLY WITH ANY ACT REQUIRED IN THE NOTICE OF VIOLATION SHALL BE A SEPARATE VIOLATION FOR EACH DAY BEYOND THE THIRTIETH (30TH) DAY FOLLOWING THE NOTICE OF VIOLATION. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE ENGINEER TO TAKE ANY ACTION, INCLUDING EMERGENCY ACTIONS OR ANY OTHER ENFORCEMENT ACTION, WITHOUT FIRST ISSUING A NOTICE OF VIOLATION. IN APPROPRIATE SITUATIONS THE ENGINEER MAY NOTIFY THE PERSON ORALLY EITHER IN PERSON OR BY TELEPHONE PRIOR TO, AND IN SOME CASES IN LIEU OF, WRITTEN NOTIFICATION.

D. **CONSENT ORDERS.** THE ENGINEER MAY ENTER INTO CONSENT ORDERS, ASSURANCES OF VOLUNTARY COMPLIANCE, NEGOTIATED SETTLEMENT AGREEMENTS OR OTHER SIMILAR DOCUMENTS ESTABLISHING AN AGREEMENT WITH ANY PERSON RESPONSIBLE FOR NONCOMPLIANCE. SUCH DOCUMENTS WILL INCLUDE SPECIFIC ACTION TO BE TAKEN BY THE PERSON TO CORRECT THE NONCOMPLIANCE WITHIN A TIME PERIOD SPECIFIED BY THE DOCUMENT, INCLUDING AN IDENTIFICATION AND DESCRIPTION OF THE BEST MANAGEMENT PRACTICES AND MEASURES TO UTILIZE IN IMPLEMENTING THE ORDER. SUCH DOCUMENTS SHALL HAVE THE SAME FORCE AND EFFECT AS ANY OTHER ORDERS ISSUED UNDER THIS ARTICLE AND SHALL BE JUDICIALLY ENFORCEABLE.

E. **CEASE AND DESIST ORDERS.** WHEN THE ENGINEER FINDS THAT A PERSON HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS ARTICLE OR ANY RELATED LAWS OR REGULATIONS, OR THAT THE PERSON'S PAST VIOLATIONS ARE LIKELY TO RECUR, THE ENGINEER MAY ISSUE AN ORDER TO THE PERSON DIRECTING THEM TO CEASE AND DESIST ALL SUCH VIOLATIONS AND DIRECT THE

PERSON TO IMMEDIATELY COMPLY WITH ALL REQUIREMENTS; AND TAKE SUCH APPROPRIATE REMEDIAL OR PREVENTIVE ACTION AS MAY BE NEEDED TO PROPERLY ADDRESS A CONTINUING OR THREATENED VIOLATION. ISSUANCE OF A CEASE AND DESIST ORDER SHALL NOT BE A BAR AGAINST, OR A PREREQUISITE FOR, TAKING ANY OTHER ACTION AGAINST THE PERSON. A PERSON'S FAILURE TO COMPLY WITH AN ORDER OF ENGINEER ISSUED PURSUANT TO THIS ARTICLE SHALL CONSTITUTE A VIOLATION OF THIS ARTICLE.

F. **CIVIL PENALTIES.** IN ADDITION TO ANY OTHER ENFORCEMENT AUTHORITY CONTAINED IN THIS ARTICLE, THE ENGINEER MAY ISSUE A CIVIL CITATION TO ANY PERSON WHO HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS ARTICLE OR ANY RELATED LAWS OR REGULATIONS. A PERSON WHO VIOLATES ANY REQUIREMENT OF THIS ARTICLE OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION SHALL BE CIVILLY LIABLE TO THE TOWN FOR A SUM NOT TO EXCEED $27,500 PER DAY FOR EACH VIOLATION.

G. **CRIMINAL PENALTIES.** A PERSON WHO WILLFULLY OR NEGLIGENTLY VIOLATES ANY PROVISION OF THIS ARTICLE, OR ANY RELATED LAWS OR REGULATIONS SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE NOT TO EXCEED $27,500 PER DAY FOR EACH VIOLATION AND/OR BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS.

H. **CRIMINAL PROSECUTION**. SOME INTENTIONAL VIOLATIONS MAY CONSTITUTE CRIMINAL VIOLATIONS OF FEDERAL, STATE, AND TOWN LAW, AND THAT UNDER SUCH CIRCUMSTANCES, THE ENGINEER MAY SEEK THE ASSISTANCE OF THE EPA, THE ATTORNEY GENERAL, THE COUNTY ATTORNEY, OR THE TOWN PROSECUTOR TO COMMENCE CIVIL AND/OR CRIMINAL ACTION AGAINST ANY PERSON WHO VIOLATES ANY REQUIREMENT OF THIS ARTICLE OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION.

I. **REVOKING OR WITHHOLDING OF PERMIT.** IN ADDITION TO OR IN LIEU OF ALL OTHER AVAILABLE PENALTIES, THE TOWN MAY REVOKE OR WITHHOLD ANY PERMIT, APPROVAL OR LICENSE TO CONSTRUCT IMPROVEMENTS TO REAL PROPERTY OR OPERATE A BUSINESS IN THE TOWN RELATED TO THE VIOLATION IF THE HOLDER OF SUCH PERMIT, APPROVAL, OR LICENSE IS IN VIOLATION OF ANY REQUIREMENT OF THIS ARTICLE OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION.

J. **LIABILITY FOR COSTS.** THE ENGINEER MAY ASSESS LIABILITY FOR COSTS TO ANY PERSON IN VIOLATION OF THIS ARTICLE FOR ALL ACTUAL COSTS INCURRED BY THE TOWN IN SURVEILLANCE, SAMPLING AND TESTING, ABATEMENT, AND REMEDIATION ASSOCIATED WITH A DISCHARGE. ADDITIONALLY, THE ENGINEER MAY ASSESS LIABILITY FOR COSTS TO ANY PERSON WHOSE DISCHARGE RESULTED IN A VIOLATION OF THE TOWN'S AZPDES STORM WATER PERMIT.

CHAPTER 8

TRANSACTION PRIVILEGE TAX

Article 8-1

ADOPTION OF TAX CODE

That certain document known as "The Tax Code of the Town of Camp Verde, Arizona," three copies of which are on file in the office of the town clerk of the Town of Camp Verde, Arizona, which document was made a public record by Resolution No. 88-45 of the Town of Camp Verde, Arizona, and any amendments thereto is hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

CHAPTER 9

BUSINESS REGULATIONS

Article 9-1

CASUAL BUSINESS LICENSE

9-1-1 Definitions

9-1-2 License Required

9-1-3 Applications

9-1-4 Fees

9-1-5 Fees for Charitable, Religious or Civic Organizations

9-1-6 License to be Posted

9-1-7 Location Restrictions

9-1-8 Undue Noise Prohibited

9-1-9 Enforcement by Police Officers

9-1-10 Revocation

9-1-11 Signs to be Observed

Section 9-1-1 Definitions

In this article unless the context otherwise requires:

A. "Canvasser or solicitor" means any person, whether a resident of the Town or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house or from street to street taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether such person is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad car, boat, hotel room, lodging house, apartment, shop, or any other place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

B. "Peddler" means any person, whether a resident of the Town or not, traveling by foot, wagon, automobile, or any other type of conveyance from place to place, from house to house or from street to street carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or a person who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance. It is further provided that a person who solicits orders and, as a separate transaction, makes delivery to purchasers as a part of the scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions herein contained. The word "peddler" shall include the words "hawker" and "huckster".

C. "Transient merchant," "itinerant merchant," or "itinerant vendor" means any person, whether owner or otherwise, whether a resident of the Town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car, boat, hotel room, lodging house, apartment, shop, or any street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer or by conducting such transient business in connection with, as a part of or in the name of any such local dealer, trader, merchant, or auctioneer.

D. "Special Event" includes the temporary sales and displays by street vendors, craft shows, fair booths, and similar operations usually associated with a special event or holiday.

Section 9-1-2 License Required

It is unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant, or itinerant vendor to engage in such business within the corporate limits of the Town without first obtaining a Casual Business license in compliance with the provisions of this chapter. This article shall also govern all special event sales and operations within the Town limits. This article does not apply to participants of Town Events who have paid booth fees, garage sales, auctions, sidewalk sales, student fund raising sales, and bake sales that occur less than three (3) times per year; events occurring more than three (3) times per year must obtain a Casual Business License.

Section 9-1-3 Applications

A. Applicants for a Casual Business license under this chapter must file with the clerk a sworn application in writing, on a form to be furnished by the clerk, which shall give the following information:

1. Name and description of the applicant.

2. Address, legal and local.

3. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.

4. Verification of a Transaction Privilege Tax License.

5. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

6. The length of time for which the right to do business is desired. No Casual Business License shall be issued for a period longer than three (3) consecutive days.

7. If a vehicle is to be used, a description of the same, together with license number of any vehicles to be used in or near the display area or other area of business, and other means of identification.

8. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal laws and the nature of the offense and the punishment or penalty assessed therefore.

9. Obtain the written permission of the property owner and tenant, if any, for the operation.

10. Obtain any necessary health or other regulatory permits required by law.

B. No license issued hereunder shall be transferable.

Section 9-1-4 Fees

A. The license fees for peddlers, solicitors, canvassers, and transient merchants and the application fee provided in Section 9-1-3 shall be determined by resolution of the Council.

B. No fee shall be required of any resident of the Town of Camp Verde selling products of the farm or orchard actually produced by the resident.

Section 9-1-5 Fees for Charitable, Religious or Civic Organizations

There shall be no fees for charitable, religious, or civic organizations. It shall be the duty of the clerk or the Town Marshal to determine if the organization making the application is a charitable, religious, or civic

organization and that the individual making the application is a member of the organization. The determination by the clerk or the Town Marshal may be appealed to the Town Manager, which may at his discretion decide such appeal or refer it to the Council

Section 9-1-6 License to be Posted

The license issued by the clerk shall be posted in a conspicuous place if the licensee is using a vehicle or a building in his business and otherwise must be kept by the person and exhibited at any time upon request.

Section 9-1-7 Location Restrictions

No peddler, canvasser, or transient merchant shall locate on the public street or property, and must have written permission of a property owner for private property. It is unlawful for any peddler, canvasser, or transient merchant to operate in any stationary location, to operate within three hundred feet of a public school ground, or to operate in any congested area where such operation might impede or inconvenience the public or cause traffic or parking hazards. The judgment of a law enforcement officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 9-1-8 Undue Noise Prohibited

No licensee, nor any person on the licensee's behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell upon any of the streets, alleys, parks or other public places of the Town or upon any private premises in the Town where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the public thoroughfares.

Section 9-1-9 Law Enforcement

It shall be the duty of any law enforcement officer of the Town to enforce the provisions of this article. The Town Marshal shall report to the clerk all convictions for violation of the provisions of this chapter, and the clerk shall maintain a record for each license issued and record the reports of violations therein.

Section 9-1-10 Revocation

The clerk after notice and hearing for any of the following causes may revoke permits and licenses issued under the provisions of this chapter:

A. Fraud, misrepresentation, or false statement contained in the application for license;

B. Fraud, misrepresentation, or false statement made in the course of carrying on business;

C. Any violation of this article;

D. Conviction of any crime or misdemeanor involving moral turpitude;

E. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Section 9-1-11 Signs to be Observed

It is unlawful for any peddler, solicitor, canvasser or transient merchant, in the course of his business to ring the doorbell or knock at any building whereon a sign bearing the words "No Peddlers," "No Solicitors," "No Canvassers," No Transient Merchants," or a similar message is exposed to public view.

Article 9-3

BUSINESS LICENSES

9-3-1 Purpose

9-3-2 Registration

9-3-3 Issuance of Certificate

9-3-4 Payment

9-3-5 Posting of Certificate

9-3-6 License not Transferable

9-3-7 Fees

9-3-8 Penalty

Section 9-3-1 Purpose

The Council has determined that it is in the best interest of the public to maintain a list of business activities within the Town to provide contacts for emergency services, directories, compliance with zoning, tax, or other ordinances and statutes.

Section 9-3-2 Registration

A person actively conducting any business subject to taxation under Chapter 8 of this code and any business, profession, game, calling, or occupation shall procure a certificate of registration from the Town Clerk.

Section 9-3-3 Issuance of Certificate

It is the duty of the Town Clerk to prepare and issue a certificate under this article for every person, firm, company, or corporation liable therefore; the period of time covered; the name of the person, firm or corporation for whom issued; the type of business; the location or place of business and verification of privilege tax license.

Issuance of the certificate does not imply that the Town in any way regulates or warrants the manner in which the operator does business.

Section 9-3-4 Payment

A. All business certificate fees shall be paid at the office of the Town Clerk in such manner as may be specified by the clerk.

B. A late charge of ten dollars shall be added for all businesses which do not pay the required fees within thirty days of their due date. After sixty days, an additional late fee of fifty dollars per month shall be charged.

C. A full fee shall be paid for each fee period or portion of a fee period in which a business is carried on.

D. A separate certificate must be obtained for each branch established or separate place of business in which any business is carried on.

Section 9-3-5 Posting of Certificate

Every person, firm, company, or corporation, having a certificate under the provisions of this article, shall keep such certificate posted and exhibited, while in force, in some conspicuous part of the place of business. Every person having such certificate and not having a fixed place of business shall carry such certificate with him at all times while carrying on that business for which the same was granted. Every person, firm, company, or corporation having a certificate under the provisions of this article shall produce and exhibit the same whenever requested to do so by any officer authorized to issue, inspect, or collect by the Town.

Section 9-3-6 License not Transferable

No certificate issued under the provisions of this article shall in any manner be assignable or transferable to any other person, firm, company, or corporation other than as specified in this article without permission from the Town Clerk.

Section 9-3-7 Fees

All businesses liable shall pay a set fee as set forth by the Council by resolution.

Section 9-3-8 Penalty

It is unlawful for any person to commence, transact, or carry on any business within the Town without first having obtained a license from the Town, if required, or to comply with all provisions of this article. Violations shall be punishable under Article 1-8 as a petty offense with each day that such business is practiced, transacted or carried on constituting a separate offense.

Article 9-4

MINING

9-4-1 General Provisions

9-4-2 Definitions

9-4-3 Permitting Requirements and Procedures

9-4-4 General Regulations

9-4-5 Administration

Section 9-4-1 General Provisions

A. Authority. The authority of the Town to establish the regulations in this article is granted by ARS 9-462.01 Zoning Regulations, as may be amended, and 9-240 B5(c) General Powers of Common Council, as may be amended.

B. Purpose. It is the intent of the Town to establish regulations on uses that mine, quarry, or extract resources which are taken from the natural environment. These regulations are intended to aid in managing the town's resources by complimenting the federal, state, county, and local regulations.

C. Applicability and Exemptions. The regulations contained in this article apply to all business operations that mine, quarry or extract natural resources as defined herein. This article shall not be construed to prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, grazing or general agricultural purposes. Mining, quarrying or processing of natural resources for personal use, as defined herein, are exempt from the requirements of this article. This article supersedes sections 104 and 105 of the Planning and Zoning Ordinance as far as the activities and uses described herein.

Any existing legal non-conforming operations as of the date of adoption of this article are considered a "grandfathered" right of continued use unless one or a combination of the following occur:

1. Operations on the site were illegally installed on the property as defined herein as a non-conforming use;

2. The mining, quarrying, or extracting operations are discontinued for a period of six continuous months or more unless the Director grants written permission;

3. The land area used for the mining, stockpiling, and/or processing operations is increased, by purchase or annexation, to encompass more than the original land area used for the mining operation, this article is not to be construed to require a permit for operations where mining is moving from one location to another within the boundaries of the property lines where an existing non-conforming mining operation is located;

4. The introduction of different processing uses which are related to the mining, quarrying or processing operation such as crushing, batching or other related processing of mined materials; this does not apply to new methods which are similar or the same as existing processing operations or any uses that are listed in the grandfathered use permits; and/or

5. The operation expands to mine or quarry a new resource not previously extracted from the site, this does not include resources which are mined as part of the existing operation but are not necessarily processed or sold. In no case is this exemption to be construed to allow any existing non-conforming use to operate in a fashion so as to cause a public nuisance pursuant to Section 108-A of the Planning and Zoning Ordinance. Where the processing of natural resources is conducted as a sole use, not combined with a mining or quarry operation, such uses are restricted to appropriate zoning districts.

Section 9-4-2 Definitions

In this article unless the context otherwise requires:

A. "Agent" means any person, business, corporation or other entity proposing an application on behalf of the property owner. Agent will provide a copy of the agreement that the requested use is permissible from the owner.

B. "Agricultural purpose" means grazing, growing of crops, or other bona-fide agricultural uses of property as defined by the State of Arizona.

C. "Applicant" means any real property owner or agent applying for a permit according to this article.

D. "Commission" means the Planning and Zoning Commission of the Town of Camp Verde.

E. "Department" means the Community Development Department of the Town of Camp Verde.

F. "Director" means the director of the Community Development Department of the Town of Camp Verde.

G. "Environmental Impact" means a change, modification or effect that positively or negatively influences the condition, volume, number, nature or quality of air, water, earth, plant and animal life, natural resources, noise, public services, transportation and circulation, land use, aesthetics, cultural, archeological and historical resources, the provision of public utilities, human health, and recreation.

H. "Established Residential Area," means an area that is zoned for residential use and is subdivided or contains a residential structure. The exterior property line of the subdivided lot or residential site delineates such areas.

I. "Existing Illegal Non-Conforming Use" means any use that is conducted without the required permits or is not a legal non-conforming use.

J. "Extract" means removing, cutting, gathering, digging, scraping, pumping, or other similar action resulting in the separation of a natural resource from its original environment as part of a mining, quarrying, or processing operation.

K. "Legal Non-Conforming Use" means any use that legally exists with all permits required at the time the use was installed.

L. "Mining or Quarrying Operation" means any commercial or industrial operations involving extraction, removal, processing, quarrying, or transportation of natural resources and related products, and the storage, stockpiling, distribution and sale thereof from the site where such resources were derived. Such operations include the extraction, removal and the delivery of the product off-site, of natural resources for monetary gain, regardless of the size of the site or the volume of extraction.

M. "Natural Resource" means sand and gravel, rock or any mineral, gas or petroleum product, geothermal energy, and earth or clay that is naturally found on a property.

N. "Permanent Mining Operation" means any mining operation that is conducted on a site for a period of six continuous months or more.

O. "Permittee" means any person, business, company corporation or entity that is granted approval of a Use Permit according to this article.

P. "Personal Use" means on-site excavation and movement, on- or off-site, of natural resources to improve a site for the purposes of agriculture or development. Materials under this definition will be limited to incidental sales as determined by the Director. In no case shall this definition be construed to require a permit under this article if excavation activities are specifically related to agriculture or development of the property and not for monetary gain from the sale of natural resources.

Q. "Planning and Zoning Ordinance" means Ordinance 87-A23, copies of which are on file in the office of the town clerk, as adopted and amended from time to time by the Town, that regulates land use and development within the Town.

R. "Processing," means the act of preparing, mixing, batching, washing, crushing, or otherwise modifying a natural resource for the purpose of creating a saleable commodity or product.

S. "Temporary Mining Operation" means a short-term use, less than six months in one period, where natural resources are subject to the requirements listed in Section 9-4-4.

Section 9-4-3 Permitting Requirements and Procedures

A. Permit Required

1. The establishment or expansion of mining or quarrying operations may occur in any zoning district if Council approves a Conditional Use Permit. The setback requirements of mining or quarrying operations will be a maximum of 300 feet from the property line. However, Council will regulate the setback requirement on a case-by-case basis determined by, but not limited to, topography and adjacent land uses.

2. For uses applicable to this article, a complete Use Permit Application must be filed with the Department. All Use Permits shall be processed in accordance with this article and Sections 108-J and 113 of the Planning and Zoning Ordinance.

3. For temporary mining or quarrying operations, as defined herein, a Temporary Use Permit shall be reviewed. Permits must comply with criteria in Subsection B of this section and are processed according to Subsection E of this section. The Council reserves the right to apply reasonable and necessary conditions on permanent and temporary mining operations as they deem the best interest of the public.

B. Procedure for Obtaining Permits

1. Any party that wishes to install or expand a mining, quarrying, or processing operation shall complete a Use Permit or Temporary Use Permit application obtained from the Department. This application shall be filed with the appropriate fees, as established by Council resolution.

2. The Director shall place the application on the next available agenda when a complete application is submitted to the Department. The procedures in Subsection E of this section apply to temporary permits. Appropriate projects shall be noticed, posted, and advertised for public hearing according to state law and the requirements of the Planning and Zoning Ordinance.

3. Before filing an application, the applicant will meet with the director or other duly appointed representative of the Town for discussing the intended use(s). The Department will also prepare a list of requested data based on the discussion of the intended use, any preliminary project data provided by the applicant and federal, state and local requirements. This list will assist the applicant in preparing the required application, but in no means, shall be construed as a complete listing of all requirements from all agencies. It is the applicant's responsibility to acquire all necessary permits and licenses. When the application is completed to the Director's satisfaction, it will be submitted, if required to the Commission for review. A recommendation from the Commission will then be submitted to the Council with a request for Council action. A permit is non-transferable without written consent from the Director or Council approval. The report may include, but is not limited to the following:

a. **Based on Local Requirements**

1) Completed Application - Use Permit/Temporary Use Permit

2) Proposed Location - Impacts to existing residentially developed properties

3) Noise Impacts - Related to noise created by truck traffic, engine warm-up, and operation of mining and processing equipment

4) Dust - Impacts on surrounding land uses

5) Screening - Screening and buffering of operation form properties that are zoned residential

6) Operational Controls - Related to setbacks and environmental impacts

7) Lighting - Planning and Zoning Ordinance

8) Parking - Planning and Zoning Ordinance

9) Post-Mining Plan - A proposed use of the area following the mining project

10) Noise and Vibration Control Plan - Planning and Zoning Ordinance

11) Other Environmental Impacts - Impacts identified by the applicant or staff

12) Other information as determined by the Director or Council.

b. Based on Federal, State, County Requirements, and Local Input

1) Transportation - Impacts related to truck traffic routs and associated traffic hazards. **ADOT/Local**

2) Excavation and Reclamation - Quality and effectiveness of site restoration plan and consideration of site reuse and development timing. **FEMA/Local**

3) Hydrology Plan - **Yavapai County/Army Corps of Engineers**

4) Sanitation Permit - **Yavapai County**

5) EPA Permits - **Federal/State**

6) DEQ/ADEQ Permits - **Federal/State**

7) Erosion Plan - **FEMA/Army Corps of Engineers/Yavapai County**

8) Archeological Permit - **State**

9) Others, as determined by **Federal, State, County** or **Local** requirements.

C. Application Requirements for Permanent Mining Operations. An application filed for permanent mining, quarrying, and processing operations, as defined in this article, shall include the following information:

1. A completed Use Permit Application

2. An 8½" by 11" Xerox (transparency) reduction of the site plan

3. A site excavation and reclamation plan containing all required data contained in Subsection D of this section.

4. A complete list of all required permits from county, state and federal agencies that regulate the proposed use. This list shall include a description of the required permit, including contact person names, phone numbers and addresses, and an anticipated time frame for obtaining each required permit.

D. Excavation and Reclamation Plan. All Use Permit Applications for mining operations shall include an excavation and reclamation plan, as required by Subsection C of this section. If the proposed operation is located in a floodplain area, a topographic survey shall be provided in accordance with Yavapai County Flood Control District and/or Army Corps of Engineers requirements. The Excavation and Reclamation Plan shall be reviewed in conjunction with the information gathered by staff. For the purposes of ensuring that the site is reclaimed for reuse and mined in an expeditious manner, the applicant shall provide the following:

1. The general location of resources to be mined overlaid on the topographic survey of the site, if provided.

2. The method of grading and restoring vegetation.

3. The location and containment methods for stockpiling of mined materials, including dust and erosion control.

4. A description of the mining method.

5. An estimate of the costs associated with the restoration of the site.

6. The Applicant will provide the Department with sufficient copies of all required documentation for preliminary and secondary review.

E. Permit Requirements for Temporary Mining Operations

1. Certain temporary mining operations, as defined herein, may not require the same permitting procedures as permanent uses. Only one temporary permit per site may be issued. Successive permits or occasional use of temporary permits are not allowed, and such operations shall be deemed permanent mining operations subject to the permitting requirements provided in this article.

2. For temporary mining operations, such as major grading operations where excavated fill is to be sold or other similar types of operations, a permit may be reviewed and approved by the Council without advertising a public hearing when these operations do not exceed a 30-day period. If such operations are to exceed a 30-day time period, but are less than six months in duration, the Commission shall review the Temporary Use Permit and forward a recommendation to Council. Upon filing an application for a temporary mining operation, the operator shall provide the following information:

a. The site plan and permit requirements for permanent mining operations stated in Subsection C, paragraphs 2, 3 and 4 of this section.

b. The excavation and restoration information required in Subsection D, paragraphs 2, 3, 4 and 5 of this section.

c. Other information as requested by Council.

Section 9-4-4 General Regulations

The general regulations contained in this article shall apply to all mining operations and permits.

A. **Site Development and Operational Regulations.** All mining, quarrying and processing operations shall conform to all applicable plans and documentation approved as presented or revised in the Use Permit or Temporary Use Permit application. In addition to the conditions applied on the permit, all operations shall meet the following operational regulations:

1. **Dust Control.** All haul roads, public or private, connecting internal operations and roads connecting to paved public streets or easements shall be kept wetted, treated with a dust palliative or hard-surfaced and maintained so as to control dust while in use. No person shall drive or move any truck or other vehicle within the town unless the vehicle is so constructed or loaded as to prevent any load contents, including without limitation, litter, dust or other forms of debris from being blown or deposited upon any street, alley or other public place. No person shall drive or move any truck or other vehicle carrying garbage, litter, refuse, rubbish and/or other forms of debris within the town unless the garbage, litter, refuse, rubbish and/or other forms of debris is completely and securely covered by a tarpaulin, canvas, or other cover.

2. **Setbacks.** The setback requirements of mining or quarrying operations will be a maximum of 300 feet from the property line. However, Council will regulate the setback requirement on a case-by-case basis as determined by, but not limited to, topography and adjacent land uses.

3. **Noise.** May be regulated depending upon haul route and the neighborhood.

B. **Implementation of Use Permit.** If the Council approves the Use Permit, the applicant shall provide the following prior to the issuance of the Use Permit:

1. Written proof and verification of approval of all required permits from county, state, or federal agencies.

2. Written verification of compliance with all conditions of approval placed on the permit, as applicable.

3. The applicant shall provide appropriate financial assurance equal to the amount and method approved by the Town for restoration of the site. The Council or Director will make a determination based on the excavation and reclamation plan using one or more of the following options:

a. Allowing the applicant to provide property as security.

b. Allowing a percentage of the monetary gain to be placed in trust as security.

c. Other approved methods of assurance.

Section 9-4-5 Administration

A. **Subsequent Review and Expiration of Permits.** All Use permits issued pursuant to this article are subject to periodic review and expiration as determined by Council.

B. **Revocation of Use Permit.** Violation of any applicable federal, state, county, or local regulation is sufficient grounds for Council action that may lead to the revocation of the Use Permit.

C. **Appeals.** If the applicant or affected property owner disagrees with the decision of the Director to issue or deny a temporary permit or the requirements for permit processing related to a permanent or temporary operation, such person may file a written appeal with the Director within ten (10) days of the Director's decision. Such appeal shall be referred to the Board of Adjustment pursuant to Section 112 of the Planning and Zoning Ordinance. Further appeals are possible through Superior Court.

D. **Permit Status.** Issuance of a permit is not an approval by the Town of any use or activity that is prohibited by any other governmental agency or private covenant.

Section 9-4-6 Penalty

Pursuant to Article 1-8, any person that fails to comply with any provision of this article, or uses property in violation of any provision of this article or permit issued herein, shall be guilty of a petty offense for the first offense, and a misdemeanor for a second or subsequent offense as to the same property or activity, with each day that the property or activity is not in compliance constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of this ordinance may also be pursuant to Council action under ARS §9-462.05, as may be amended.

CHAPTER 10

HEALTH AND SANITATION

Article 10-1

TRANSPORTATION OF REFUSE

10-1-1 Definitions

10-1-2 Transporting Refuse

10-1-3 Penalty

Section 10-1-1 Definitions

In this article unless the context otherwise requires:

A. "Bulky items" means all wood, timber, household or construction discards, large pieces of metal, stones, concrete, or other building or similar materials.

B. "Garbage" means all putrid wastes, except sewage and body wastes, including but not limited to, dead animals and all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.

C. "Plant trimmings" means shrubs or tree growth of more than four feet in length and more than one-half inch in diameter.

D. "Refuse" means all garbage and trash.

E. "Trash" means all non-putrid solid wastes consisting of combustible or noncombustible wastes, including but not limited to, paper, cardboard, cans, yard clippings, plant trimmings, ashes, bedding, glass, crockery, bulky items, or other accumulation of debris.

F. "Yard clippings" means grass, sod, and plant growth of less than four feet in length and less than one-half inch in diameter.

Section 10-1-2 Transporting Refuse

It is unlawful for any person to transport, or cause to be transported, any refuse on or along any public street or alley within the Town, unless the load is so covered or secured with netting, fabric, or other device so as to prevent any of said load from dropping, sifting, leaking, or otherwise escaping. In the case of timber or bulky items, ropes, straps, cables or chains may be substituted for netting or fabric to provide a securely anchored load.

Section 10-1-3 Penalty

Any person found guilty of violating this article, except as otherwise provided, shall be guilty of a class 3 misdemeanor, and upon conviction shall be punished by a minimum fine of thirty-five dollars. No judge shall suspend imposition of sentence, except community service may be used in lieu of fine.

Article 10-2

REMOVAL OF TRASH, RUBBISH, AND DEBRIS

10-2-1 Declaration of Nuisance

10-2-2 Notice

10-2-3 Abatement and Lien

10-2-4 Unlawful Dumping

Section 10-2-1 Declaration of Nuisance

It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleaning, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land and the contiguous sidewalks, streets, and alleys.

Section 10-2-2 Notice

Written notice of any violation of Section 10-2-1 shall be either personally served or sent to the owner, lessee, or occupant of the property at his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the zoning inspector, have attached a copy of this article, and be substantially in the following form:

Notice to Compel Property Cleanup

Property Description/Address:

You are the record owner, lessee, or occupant of the above property that was recently inspected by the Town and found to have accumulated trash and other material in violation of Article 10-2 of the Camp Verde Town Code (attached). You have thirty days from receipt of this notice to clean up the property by removing the material or abating the condition which constitutes a hazard to public health and safety, or the Town will cause the removal and abatement at an estimated cost of $_____ plus an additional 5% (for inspection and incidental costs) of $_____. This total amount of $_____ will then be an assessment and, when recorded in Yavapai County, becomes a lien on the property which will be enforceable and foreclosed as provided under ARS 9-499, as may be amended).

The description of the violation is as follows:

You have a right to appeal this notice, and the costs of abatement or assessment, to the Council, by making a written request posted and received within the above thirty day period to the zoning inspector at the following address: Zoning Inspector, Town of Camp Verde, Post Office Box 710, Camp Verde, AZ 86322

If the Council sustains the notice and assessment, your time for compliance will be ten days from the Council meeting, or the time remaining in the initial thirty days, whichever is greater.

Date of Notice:

Signed:

Zoning Inspector

Section 10-2-3 Abatement and Lien

If a property owner, lessee or occupant, after receipt of the above notice, does not remove the trash or other material specified herein, or otherwise abate such condition which constitutes a hazard to public health and safety, the Town shall, at the expense of the owner, lessee or occupant, remove or cause the removal or abatement, and the actual cost, plus an additional amount of 5% for inspection, enforcement and other incidental costs in connection therewith, shall become an assessment and lien on the property until paid. Such assessment, from the date of recording in the Office of the Yavapai County Recorder, shall be a lien inferior to the lien for general taxes and all prior recorded mortgages or encumbrances, and the Town shall have the right to bring an action to enforce the lien in Superior Court by judgment of foreclosure and sale of the property.

The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to its recording.

Section 10-2-4 Unlawful Dumping

Definitions. "Littering," either along a public roadway, on private property of another, or on public property or parks, is the casual release of small amounts of trash, garbage, rubbish, or debris. Littering includes both throwing down of material or failure to clean it up from the property by removing it or putting it in provided trash containers in a manner that will not allow it to be blown or discharged from the receptacle. If littering occurs from a moving vehicle, the driver will be presumed to be the offender. "Dumping" is the deposit of household garbage or trash, construction materials, industrial waste, soils or rocks, tree or brush trimming, litter, petroleum products, hazardous materials, or injurious materials on or along any public roadway, public property, or property of another.

Violations and Penalties. Both littering and dumping are declared Class 1 misdemeanors, punishable by fines up to $2,500 and six (6) months in jail, or to the limits as may be amended by State law. The minimum fine for littering as a first offense shall be $500, and for dumping, except for dumping hazardous materials, large appliances, industrial waste, automobile parts, or injurious materials, is $1,000. The fine for a first offense for dumping hazardous materials, large appliances, industrial waste, automobile parts, or injurious materials, or whenever the total quantity of the material dumped, regardless of the type, exceeds ten (10) pounds, is $1,500. Persons convicted of a second or subsequent offense under this ordinance shall be sentenced to a fine that is twice the minimum for a first offense, up to a maximum fine for a Class 1 misdemeanor under State law, and shall be ordered to serve not less than three (3) days in jail. In addition to any fines or jail time imposed, the Court shall order that a person convicted of littering or dumping shall be ordered to pick up and remove trash or litter from public property for a minimum of sixteen (16) hours for a first offense and forty (40) hours for a second or subsequent offense, as well as either clean up the litter or dumping caused by the offender, or reimburse the Town or agency which performed the cleanup for the reasonable cost thereof. The Court shall not order personal cleanup if it would create a hardship for the offender because of physical infirmity or age, and shall schedule times and places of cleanup that would minimize interference with the offender's employment or family responsibilities.

Reward. Any person that provides information leading to the citation of another who has violated any provisions of this ordinance shall be paid a $100 reward as restitution to be assessed in addition to the above penalties upon conviction of the offense.

Posting. Signs shall be posted along major roadways and areas where there has been a history of illegal dumping or littering warning the public of the offense, the minimum fines, and a reward offered for information leading to a citation and conviction.

CHAPTER 11

OFFENSES

Article 11-1

OFFENSES

11-1-1 Dangerous Constructions

11-1-2 Excavations to be Covered

11-1-3 Minors; Curfew

11-1-4 Driving or Parking on Another's Property Unlawful

11-1-5 Noise

11-1-6 Parks - Alcohol Use

11-1-7 Signs and Banners

11-1-8 Unsafe Buildings or Structures

11-1-9 Weapons

11-1-10 911 Emergency Telephone Number System

11-1-11 Prohibitions on Vehicle Engine Noise

11-1-12 False Alarms

Section 11-1-1 Dangerous Constructions

It is unlawful for any person to maintain or allow any signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.

Section 11-1-2 Excavations to be Covered

A. It is unlawful for any person to make any excavation or dig any hole, drain, or ditch in any highway or thoroughfare in the Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation at all times.

B. It is unlawful for any person to maintain a well, cellar, pit, or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering, or protection.

Section 11-1-3 Minors; Curfew; Liability of Parent

A. It shall be unlawful for any juvenile under the age of eighteen (18) years to be, remain, loiter in, about, or upon any place in the Town away from the dwelling house or usual place of abode of said juvenile, between the hours of 10:00 o'clock P.M. and 5:00 o'clock A.M. of the following day; **provided that the provisions of this section do not apply** to said juvenile when:

(a) accompanied by his or her parent, guardian, or other adult person having the care, custody or control of said juvenile, or

(b) the said juvenile is on an emergency errand, or

(c) the said juvenile has been specifically directed to the location or is on reasonable, legitimate and specific business or activity directed or permitted by his parent, guardian or other adult person having the care, custody or supervision of said juvenile. This exception requires that the parent, guardian, or adult have advance knowledge of the whereabouts of the juvenile, and have given consent, and does not apply if the parent, guardian, or adult, when told of the location of the juvenile, does not object.

B. It is unlawful for the parent or guardian of a person under the age of eighteen years to permit such minor to be away from the minor's dwelling house or usual place of abode in violation of Section A once the parent or guardian has been notified of the violation and permits repeated violations.

C. Curfew is extended until 12:30 a.m. on Friday and Saturday.

Section 11-1-4 Motor Vehicles on Private Property

A. It is unlawful for any person to loiter, drive, or park upon the property during those hours when the person legally entitled to the possession of said property is not present, or if the property is a business, for any purpose other than the normal conduct of trade with that business, or if the property is that of a government agency, for any purpose other than the normal conduct of business with that government agency, without having in his or her possession the written permission of the owner of the property or the person entitled to immediate possession thereof, or the authorized agent of either.

B. The written permission shall specify the period for which permission is granted, and shall set forth the name of the grantee shall be signed by the grantor, shall state grantor's interest in the property and, if the grantor is not the owner thereof, the owner's name.

C. Any person loitering, driving, or parking a vehicle described in this section on property shall, upon request of any peace officer, display the written permission issued under the terms of this article.

D. It is the intent of this section to prevent the unauthorized use of vacant lots, parking lots, or other property, privately or publicly owned areas by persons for unauthorized or illegal purposes which could create a public nuisance or interfere with the comfortable enjoyment of life or property by the entire community or neighborhood or by a considerable number of persons.

E. No person charged with violating this section shall be convicted and such charge against him or her shall be dismissed if he or she subsequently produces in court the aforesaid written permission.

Section 11-1-5 Noise

A. It is hereby declared to be public nuisance, and it is unlawful for any person, to play or permit to be played any music or musical instruments whether played by individuals, orchestra, radio phonograph, music box or other mechanical device or means, any shop operations or other activity in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with the comfortable enjoyment of life or property of any person and is no less a nuisance because the extent of the annoyance inflicted is unequal.

B. It is unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the chief of police to operate any vehicle so equipped.

Section 11-1-6 Parks - Alcohol Use

Definitions: "*Public Recreation Area*" shall include a Town park, district or regional parks, riverfront parks, or areas so designated by the Town Council of the Town Hall complex, such as the adjoining sports fields, parking lots, or gymnasium, or other Town property.

Prohibition on Alcohol Use. It is unlawful for any person to consume, possess, give, or sell any alcoholic beverage within the boundaries of any public recreation area in the Town limits, or in a public thoroughfare, except that persons may sell, purchase, or consume beer by permit from the Town specifying the areas and conditions of use, and a special event license from the Arizona Department of Liquor Control, if it is required. If the beer is not going to be sold, but distributed as part of a private function, only a Town permit is required.

Permit Procedures. The Town Manager will establish permit procedures under this ordinance, except that the Town Council may by motion or resolution determine which events sponsored by the Town will have beer sold under a Town special event license.

Violations and Penalties. Violation of this [section] ordinance is declared to be a Class 1 misdemeanor, punishable by fines up to $2,500 and 6 months in jail or to the limits as may be amended by State law.

Posting. Signs shall be posted in all public recreation areas warning the public of the provisions of this ordinance.

Section 11-1-7 Signs and Banners

It is unlawful for any person to place any banner or sign upon any Town property, streetlight pole, traffic signal pole, or utility pole within the Town without first obtaining authorization from the ~~Council~~ manager or his or her designee.

Section 11-1-8 Unsafe Buildings or Structures

It is unlawful for any person to maintain or allow any building or structure so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

Section 11-1-9 Discharge of Air or Spring Weapons

It is unlawful for any person to recklessly discharge any spring or air gun within the Town.

Section 11-1-10 911 Emergency Telephone Number System

A. Definitions. In this section, unless the context otherwise requires:

1. "Emergency" means any situation in which human life or property is in jeopardy and the prompt summoning of aid is essential.

2. "911" means the Town 911 emergency telephone number system.

B. Prohibition. It is unlawful for any person to intentionally and willfully dial the 911 emergency telephone number and falsely report a nonexistent emergency or to dial the 911 emergency telephone numbers with the intention to harass, annoy, or otherwise interfere with the intended operation of the 911 emergency telephone number system.

Section 11-1-11 Prohibition on Engine Braking.

No vehicle, commercial or personal, shall use engine braking, compression braking, or `jake brakes', within the Town limits, if the operation causes unreasonable noise. Use of engine braking in a residential area shall be presumed to be a public nuisance.

1. **Exceptions:** This shall not apply to traffic on Interstate 17, or any time use of engine braking is necessary in a safety emergency.

2. **Violations:** The driver or operator of a vehicle may be cited under this ordinance. Violations of any provision herein are a Class 3 Misdemeanor on a first offense for the vehicle or driver, and Class 2 Misdemeanor for any subsequent offense.

Section 11-1-12 False Alarms

A. It shall be unlawful to allow or cause a false alarm within the Town.

B. In this article, unless the content otherwise requires:

1. "Alarm" means any mechanical or electrical device or assembly of equipment designed or arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police are expected to respond, or designed or arranged to signal the occurrence of a fire or excessive smoke requiring urgent attention and to which a fire department is expected to respond.

2. "Alarm Company" means any firm, person, partnership, corporation, or entity which has servicing, maintenance, or monitoring duties or responsibilities under the terms of any agreement or arrangement with any alarm user within the corporate limits of the town.
3. "Alarm user" means any person, firm, corporation, or entity of any kind in control of any building, premises, structure or facility in which or upon which an alarm is maintained.
4. "False alarm" means an alarm signal to which police or fire department personnel respond with any emergency personnel or equipment when a situation requiring a response by the police or fire department does not in fact exist, and which signal is caused by the inadvertence, negligence, or intentional act or omission of an alarm company or alarm user or a malfunction of the alarm.

C. The following shall not be considered false alarms:

1. Alarms caused by the testing, repair, or malfunction of telephone equipment or lines.
2. Alarms caused by an act of God, including earthquakes, floods, windstorms, thunder or lightning.
3. Alarms caused by an attempted illegal entry of which there is visible evidence.
4. Alarms caused by the testing, repair or malfunction of electrical utility equipment or lines.

D. Any violation of section 11-1-12 shall have the following penalties:

1. A civil sanction in an amount of not more than $250.00 may be assessed against an alarm user for each false alarm which occurs in any building, premises, structure, or facility owned or controlled by the alarm user;
2. A civil sanction in an amount of not more than $250.00 may be assessed against the responsible alarm company for each false alarm which occurs in the event that a false alarm was occasioned due to the manner of installation of the alarm by the responsible alarm company;
3. A civil sanction in an amount of not more than $250.00 may be assessed against the responsible alarm company for each false alarm which is occasioned by the failure of the responsible alarm company to properly service, maintain or monitor any alarm within the town.

CHAPTER 12

TRAFFIC

Article 12-1

ADMINISTRATION

12-1-1 Duty of Marshal's Office

12-1-2 Records of Traffic Violations

12-1-3 Marshal's Office to Investigate Accidents

12-1-4 Traffic Accident Studies

Section 12-1-1 Duty of Marshal's Office

A. It shall be the duty of the Marshal's Office to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, to make arrests for traffic violations, to investigate accidents, to assist in developing ways and means to improve traffic conditions, and to carry out all duties specially imposed upon the Marshal's Office by this chapter.

B. Any peace officer or duly authorized agent of the town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this chapter and to serve a copy of the traffic complaint for any alleged civil or criminal violation of this chapter.

Section 12-1-2 Records of Traffic Violations

A. The Marshal's Office shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

B. All forms for records of violations and notices shall be serially numbered. For each month and year, a written record shall be maintained complete for at least the most recent five-year period.

Section 12-1-3 Marshal's Office to Investigate Accidents

It shall be the duty of the Marshal's Office to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Section 12-1-4 Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the Marshal's Office shall conduct studies of such accidents and determine remedial measures.

Article 12-2

TRAFFIC CONTROL

12-2-1 Directing Traffic

12-2-2 Obedience to Traffic Regulations

12-2-3 Use of Coasters, Roller Skates, Skateboards, and Similar Devices Restricted

12-2-4 Traffic Control Devices

12-2-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes

12-2-6 Authority to Place and Obedience to Turning Markers

12-2-7 Authority to Place and Obedience to Restricted Turn Signs

12-2-8 One-Way Streets and Alleys

12-2-9 Regulation of Traffic at Intersections

12-2-10 Drivers to Obey Signs

12-2-11 Processions

12-2-12 Regulation of Motorized Play Vehicles and Motorized Skateboards

Section 12-2-1 Directing Traffic

A. The Marshal's Office is hereby authorized to direct all traffic by voice, hand, or signal.

B. Officers of the fire department, when at the scene of a fire, may direct or assist the Marshal's Office in directing traffic thereat or in the immediate vicinity.

Section 12-2-2 Obedience to Traffic Regulations

It is a civil traffic violation for any person to do any act forbidden by or to fail to perform any act required by this chapter. It is a Class 2 misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of the Marshal's Office or any of its duly designated, qualified and acting law enforcement agents.

Section 12-2-3 Use of Coasters, Roller Skates, Skateboards, and Similar Devices Restricted

A. It is a civil traffic violation for any person upon roller skates, coaster, skateboard, go-cart, or riding any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a street on a crosswalk, and, when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

B. No person shall ride upon, in or by means of roller skates, coaster, skateboard, toy vehicle, go-cart, or any similar coasting or skating device, any sidewalk included in the following prohibited areas of operation:

1. Main Street- From the Western Montezuma Castle Highway Intersection with Highway 260/Main Street to the Highway 260 bypass intersection with Main Street.

2. On any public property, except those areas designated for use of these devices.

3. On any private property without the permission of the owner.

C. Any person riding such a coasting or skating device upon a sidewalk in a residential area shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing pedestrian.

Section 12-2-4 Traffic Control Devices

A. The town shall place and maintain traffic control devices, signs, and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as necessary to regulate traffic under the traffic laws of the town or under state law or to guide or warn traffic.

B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by the town marshal or member of the police department, subject to the exceptions granted in this chapter or by state law.

Section 12-2-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes

The Town Manager or his designee is hereby authorized:

A. To designate by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

C. To mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with the traffic laws of the town and the state.

D. The Council may adopt further rules and regulations from time to time, as they deem necessary for the safety and efficient use of the town roads by the public.

Section 12-2-6 Authority to Place and Obedience to Turning Markers

A. The town manager or his designee is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 12-2-7 Authority to Place and Obedience to Restricted Turn Signs

A. The town manager or his designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall have proper signs placed at such

intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or such signs may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 12-2-8 One-Way Streets and Alleys

A. The Council shall by resolution designate any streets or alleys which are to be limited to one-way traffic.

B. When any resolution of the Council designates any one-way street or alley, the town shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 12-2-9 Regulation of Traffic at Intersections

A. The Council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right of way.

B. When any resolution of the Council shall designate any through street or intersection where vehicles are to stop or yield the right of way, the town manager or his designee shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right of way.

C. Whenever any laws of the town designate and describe a through street, it shall be the duty of the town to place and maintain a stop sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by the laws of the town.

Section 12-2-10 Drivers to Obey Signs

Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey such signs unless directed to proceed by the town marshal, a member of the Marshal's Office, or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot, or similar property to avoid obedience to any regulation included in this chapter.

Section 12-2-11 Processions

A. No procession or parade, except funeral processions, shall be held without first securing a permit from the town marshal, and all such requests for permits shall state the time, place of formation, proposed line of march, destination, and other such regulations as the town marshal may set forth therein.

B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the town marshal.

C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously a part of the procession.

D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 12-2-12 Regulation of Motorized Play Vehicles and Motorized Skateboards

A. DEFINITIONS

1. Motorized Skateboard: A self-propelled device that has a motor, a deck on which a person may ride, and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined under Arizona Law (ARS 28), as a "motor vehicle", "motor driven cycle," or "motorized wheelchair."

2. Motorized Play Vehicle: A coaster, scooter, any other alternatively fueled device (excluding battery operated toy carts designed for children under the age of eight (8) years to ride in or on) or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined under Arizona Law (ARS 28), as a "motor vehicle," "motor-driven cycle," or "motorized wheelchair".

B. GENERAL OPERATING RESTRICTIONS

1. No person under the age of 14 may operate a motorized play vehicle or motorized skateboard within the town limits of Camp Verde, except when authorized on private property.

C. APPLICABILITY OF TRAFFIC LAWS:

Traffic laws such as those regulating red lights, stop signs, crosswalks, speeding, yielding, and movements on the roadway also apply to motorized vehicles and motorized skateboards.

Motorized play vehicles and motorized skateboards may be operated on a designated bicycle path or lane, but motorized play vehicle and motorized skateboard operators shall yield at all times to other users. The Town of Camp Verde also prohibits the following:

1. Carrying passengers when in operation or motion.

2. Attaching a motorized play vehicle or motorized skateboard in any manner to any other vehicle or person.

3. Carrying any package or bundle that prevents the operator from keeping his/her hands on the steering mechanism.

4. Structurally or mechanically altering the original manufacturer's design.

5. Transporting extra fuel in a separate container or altering the fuel reservoir.

6. Riding motorized play vehicle or motorized skateboard two abreast on a roadway.

Motorized play vehicle and motorized skateboard operators are required to ride as close as practical to the right-hand curb or edge of the roadway except when passing other vehicles, preparing for left turns, or when reasonably necessary to avoid hazardous conditions.

Required safety equipment:

1. A brake that enables the operator to make a braked wheel(s) skid on dry pavement.

2. A protective helmet (if under the age of 18) which meets the minimum standards of testing and safety inspection by the bicycle industry.

3. Footwear that completely covers the feet and toes and includes a sole.

4. Protective glasses, goggles, or a transparent shield.

D. PROHIBITED AREAS OF OPERATION:

No person shall ride upon, in or by means of any motorized play vehicle or motorized skateboard, the following prohibited areas of operation:

1. On any sidewalk in the Town or Town Parks.

2. On any street, roadway, or highway with a posted speed limit of greater than 25 mph.

3. On any public property not held open to public vehicle use.

4. On any private property without the written permission of the owner.

5. On a public right-of-way, including streets, roadways and alleyways, except during daylight hours.

E. PENALTIES:

Violation of the Camp Verde Town Code is a civil traffic violation and will be prosecuted and punished in the same manner by law as other civil traffic violations. Parents are ultimately responsible for the actions and safety of their children. No parent, guardian, or custodian of a child under 18 years of age shall authorize or knowingly permit the child to violate this section.

ARTICLE 12-3

PARKING

12-3-1 Method of Parking

12-3-2 Blocking Traffic

12-3-3 Parking Adjacent to Schools

12-3-4 Authority to Erect Signs Restricting Parking

12-3-5 Parking Vehicles on Sidewalks

12-3-6 Handicapped Parking

Section 12-3-1 Method of Parking

A. Except as otherwise provided by resolution of the Council, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

B. Except as otherwise provided, where there is no adjacent curb, vehicles should be parked off main traveled portions of the roadway facing in direction of travel.

C. It is a civil traffic violation for anyone to leave any type of vehicle unattended without first having secured such vehicle to prevent it from rolling or moving, so as to constitute a hazard.

Section 12-3-2 Blocking Traffic

A. It is a civil traffic violation for any person to stop, stand, or park any vehicle upon a street in the town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of a police officer.

B. It is a civil traffic violation for any person to park a vehicle within an alley or entrance to a private driveway except for the loading or unloading of materials, and such loading or unloading of materials can only be done when it can be accomplished without blocking the alley to the free movement of vehicular traffic.

Section 12-3-3 Parking Adjacent to Schools

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

Section 12-3-4 Authority to Erect Signs Restricting Parking

The town manager, upon approval by the Council, may cause to be placed signs requiring parking at an angle to the curb, notifying drivers that parking is prohibited, or restricting parking in any way that may be necessary. No parking restrictions shall become effective until such restricted parking area is specifically designated by resolution of the Council, and signs have been erected as authorized by this section. It is a civil traffic violation for any person to stop or stand a vehicle in disobedience to such parking restrictions.

Section 12-3-5 Parking Vehicles on Sidewalks

It is a civil traffic violation for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his vehicle to be parked upon any sidewalk in the town.

Section 12-3-6 Handicapped Parking

Except as provided in subsection C of this section, no person may stop, stand, or park a motor vehicle within any specially designated and marked parking space provided in accordance with this section for physically disabled persons unless the motor vehicle is transporting a person eligible for the distinguishing insignia placard or displays number plates bearing the international wheelchair symbol, which are currently registered to the vehicle as provided by law.

A. If a law enforcement officer finds a motor vehicle in violation or this ordinance, the officer may issue a complaint to the operator or person in charge of the motor vehicle, or, if neither is present, to the registered owner of the vehicle for a civil traffic violation. The minimum civil sanction, if the court finds the party responsible, shall be fifty dollars ($50.00), plus the penalty assessments prescribed by statute.

B. The posting of the handicapped parking spaces shall be designated by owners or persons having control of a parking lot or parking area for business customers. Each such parking space shall be prominently outlined with paint and posted with a permanent sign located not less than three feet or more than six feet above the grade and of a color and design approved by the Department of Transportation bearing the internationally accepted wheelchair symbol and the caption, "Reserved Parking." The designation of such parking spaces as provided herein or as required by the Town of Camp Verde shall authorize law enforcement officers and other duly authorized agents to enforce the provisions of this section and related state statutes and shall constitute a waiver of any objection by the owner or person in possession of such property to the enforcement of this section and related state statutes, and such owner shall be deemed to have consented to the access of such property.

C. Any person who is chauffeuring a physically disabled person shall be allowed, without a distinguishing insignia, a placard or number plates bearing the international wheelchair symbol to park momentarily in a handicapped designated space for the purpose of loading or unloading such disabled person. No complaint shall be issued to the driver for such momentary parking.

D. The Town Marshal/Police Chief will have the authority to institute a Volunteer Handicapped Parking Enforcement Specialist Program. The Marshal/Chief may authorize special volunteers to issue citations only to persons who violate this section of this chapter.

Section 12-3-7 Unarmed Police Aides

Unarmed police aides may be employed by the Marshal's Office and shall be empowered to commence an action or proceeding before a court or judge for any violation of Town ordinances or this code regulating the standing or parking of vehicles. The authority of the unarmed police aide shall be strictly limited to the enforcement of the ordinances and codes regulating the standing or parking of vehicles and such aides are not granted any other powers or benefits to which peace officers of the Town are entitled.

CHAPTER 13

PARKS AND RECREATION

LIBRARY

Article 13-1

PARKS AND RECREATION CODE

13-1-1 General Provisions

13-1-2 Fees

13-1-3 Rules and Regulations

13-1-4 Interpretation of Rules

13-1-5 Penalty

Section 13-1-1 General Provisions

A. **Exclusions**

The developing trails system for the town is excluded from this article.

B. **Hours of operation.**

1. All municipal parks, playgrounds, recreational areas or facilities shall be open for the use of the general public during the hours posted.

2. Use or occupancy of any public park outside of its posted hours of operation may be considered criminal trespass.

C. Authority to Close Parks, Playgrounds.

1. The town manager or designated representative(s) are hereby authorized to close any municipal park, playground, recreational area or facility to all persons not properly authorized to be there, when an emergency exists that demands such closure for the protection of the public peace, health, safety, welfare, morals, or at the direction of the Council.

2. In the event the town manager or designated representative(s) directs the closure of any municipal park, playground, recreational area or facility, the date and time of such emergency closure shall be posted upon the property affected.

3. It is unlawful for any person, not properly authorized, to enter or fail to vacate any park, playground, recreational area, or facility when notice of emergency closure has been given.

Section 13-1-2 Fees

The Council may, from time to time, establish and set, by resolution, the amount of charges for all activities sponsored by the parks and recreation department or for use of park property or facilities of the Town.

Section 13-1-3 Rules and Regulations

The Council may adopt rules, regulations, and fee schedules for use of Town parks, recreation areas, and facilities by resolution.

Section 13-1-4 Interpretation of Rules

A. The Town Council shall interpret these rules and regulations and may act in any case not specifically covered herein.

B. Any request not contemplated by the provisions of this article or any refusal of a permit request may be appealed to the town manager, which may at his discretion decide such appeal or refer it to the Council.

Section 13-1-5 Penalty

Violations of this article shall be a class 3 misdemeanor.

Article 13-2

LIBRARY POLICIES AND PROCEDURES

The Council may adopt rules, regulations, and fee schedules for use of Town library by resolution.

A. That certain document known as Camp Verde Public Library Policies and Procedures, three copies of which are on file in the office of the town clerk, which document was made a public record by Resolution 93-223, is hereby referred to, adopted and made a part hereof as if fully set out in this article.

B. Violation of subsection A of this section including any regulations adopted by reference shall be a petty offense upon a first offense and upon a subsequent offense a class 3 misdemeanor. Repeat offenders may also be denied any library privileges.

CHAPTER 14

EMPLOYMENT

Section 14-1 CRIMINAL RECORD CHECKS FOR PROSPECTIVE TOWN EMPLOYEES:

1. **Fingerprinting of Applicants.** All applicants for employment with the Town of Camp Verde must submit a full set of fingerprints on forms provided by the Marshal's Office for obtaining a state and federal criminal records check.

2. Use of Department of Public Safety. The Arizona Department of Public Safety is hereby authorized to exchange the fingerprint data with the Federal Bureau of Investigation pursuant to ARS 41-1750, as may be amended, and Public Law 92-544

3. Conditional Acceptance of Employment. Applicants may submit their employment application forms and fingerprint cards for processing up to 10 days before selection by the Town of a candidate. Any employment by the Town is subject to results of the criminal records check, and, if an applicant has been notified of his or her selection and has temporarily assumed a position with the Town, such position may be vacated at the option of the Town depending on the criminal history results.

CHAPTER 15

MANNER OF ELECTIONS

Article 15-1

CALL AND NOTICE OF ELECTION

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §9-821.01 City and Town Elections, §39-204 Publication of Notice, §16-409 Mail Ballot Elections, and §16-558.01 Mailing of Ballots and .02 Replacement Ballots and other relevant sections as they may apply.

Section 15-1-1 Call of Election

The Town Clerk shall cause to be published a `Call of Election' approximately 100 days prior to the election date in order to inform the public about the election and to alert candidates to filing dates. [Nothing on the ballot shall be indicative of the source of the candidacy or the support of the candidate.]

Section 15-1-2 Notice of Election

The Town Clerk shall cause to be published once per week for two consecutive weeks a `Notice of Election' approximately 30 days prior to the election date. The publication shall comply with ARS §39-204.

Article 15-2

ELECTION RESULTS

Section 15-2-1 Primary Election Option

A candidate is declared elected to office in the Primary Election if that candidate received a majority of all votes cast as set forth in ARS §9-821.01.

Section 15-2-2 Minimum Number of Votes Required for Election to Office

The minimum number of votes a candidate for Council Member must receive to be elected to office under this provision is more than half of the total number of valid votes cast at the primary election for all offices.

Section 15-2-3 General Election

If there are offices not filled in the Primary Election, a General Election will be held. The Primary is then considered as an election for nominating candidates for the ensuing General Election. Candidates are qualified for inclusion on the General Election ballot in order of the vote total they received at the Primary Election. No more than twice the number of candidates for which there are vacancies on the Council may be placed on the General Election ballot.

Section 15-2-4 Candidates Receiving Equal Number of Votes

If two or more candidates receive an equal number of votes for the same office and a higher number than any other candidate, whether it is after a canvass or recount, the result shall be determined by lot in the presence of the candidates. The Town Clerk must give five (5) days notice of the time and place of determining the election by lot to the candidates.

Section 15-2-5 Assuming Office

Candidates receiving the necessary number of votes to be elected in the Primary Election will be sworn into office in the same manner and within the same time period as candidates elected during the General Election. If a General Election is unnecessary because all offices are filled at the Primary Election, candidates are not sworn in until after the date that the General Election would have been held.

Article 15-3

MAIL BALLOT PROCEDURES

Section 15-3-1 Adoption of Mail Ballot Procedures

Pursuant to ARS §16-409.B, as may be amended, the Town Clerk shall conduct all municipal elections by using mail ballots and the specific procedures as outlined in ARS §16-558.01/.02, as may be amended. The Clerk shall send by first class mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as required by ARS §16-547, as may be amended, to each qualified elector in the Town between 33 and 15 days prior to the Primary and General Elections. The Town will provide return postage.

Section 15-3-2. County Elections Agreement

The Town shall enter into an intergovernmental agreement with Yavapai County Elections Department and Recorder for conducting the Mail Ballot election, for electronically scanning and matching the voter signatures and counting of the ballots.

Section 15-3-3. Legislative Report

The Town Clerk shall tabulate and collect information after both elections and, prior to January 1, submit to the Legislature the report required in ARS 16-409.B, as may be amended, including changes in voter turnout, relative costs of mail ballot elections compared to traditional elections, suggestions for improvements or refinements in the mail ballot program, frequency and severity of mail ballot irregularities, voter satisfaction with the election process, and the number of undeliverable ballots.

Article 15-4

INITIATIVES AND REFERENDUM

15-4-1 Power Reserved; Time of Election

15-4-2 Number of Signatures

15-4-3 Time of Filing

15-4-4 Sample Ballots and Publicity Pamphlets

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §19-124, §19-141 and other relevant sections as they may apply.

Section 15-4-1. Power Reserved; Time of Election

There is reserved to the qualified electors of the Town the power of the initiative and the referendum as prescribed by the State Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Mayor and Council for such purpose.

Section 15-4-2. Number of Signatures

The basis upon which the number of qualified electors of the Town required to file a referendum petition shall be as determined by state law.

Section 15-4-3. Time of Filing

A. Initiative petitions shall be filed at least one hundred twenty (120) days prior to the election at which they are to be voted upon.

B. Referendum petitions shall be filed within thirty (30) days of the adoption of the ordinance or resolution to be referred. If the Town Clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of the application for an official number or on the same business day of the application, the thirty-day period shall be calculated from the date such ordinance or resolution is available.

Section 15-4-4. Sample Ballots and Publicity Pamphlets

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

A. A publicity pamphlet, containing the entire text of the official ballot shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than ten (10) days prior to the election to which the sample ballot pertains.

B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition.

C. Arguments supporting and opposing the propositions appearing on the ballot shall be filed with the Office of the Town Clerk not less than ninety (90) days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:

1. Arguments must relate to the propositions proposed by the initiative or referred by referendum which will appear on the ballot.

2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or in opposition to the proposition.

3. Arguments may not exceed three hundred words in length.

4. Arguments must be signed by the person submitting them. Arguments submitted by organizations shall be signed on behalf of the organization by two (2) executive officers of the organization authorized to take such action, or if a political committee, by the Chairman or Treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number.

5. No person or organization shall submit more than one argument for each proposition to be voted upon.

6. Each argument shall be accompanied by a deposit at the time of filing in an amount determined by the Town Clerk to offset proportional costs of printing. Any unused portion of the deposit will be returned to the filer. This requirement shall not be waived on any account. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested.